

WATCH REPORT

RIGHTS IMPLEMENTATION STATUS OF WOMEN WORKERS IN BANGLADESH'S READY-MADE GARMENT INDUSTRIES

Jakir Hossain, Mostafiz Ahmed, and Afroza Akter

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Research Team

Research Coordinator	Farhana Afrin Tithi
Research Supervisor	Israt Jahan Poppy Farhana Jubaida Urmee
Data Enumerators	Runa Laila Shekh Shahanaz Mominur Rahman Nargis Akhter Sharmin Akhter Sultana Sumi Salma Akhter Sadia Sultana Mahmudun Nabi Farhana Manik Afreem Ahmed Ashamoni Shurovi

Acronyms

ADB	Asian Development Bank
BLA	Bangladesh Labour Act
BLR	Bangladesh Labour Rules
BNBC	Bangladesh National Building Code
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DIFE	Department of Inspection for Factories and Establishments
DOL	Department of Labour
EPZ	Export Processing Zone
FGD	Focus Group Discussion
FOA	Freedom of Association
FPEA	Fire Prevention and Extinguishing Act
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KII	Key Informant Interview
ILO	International Labour Organization
MOLE	Ministry of Labour and Employment
NGO	Non-Governmental Organization
OSH	Occupational Safety and Health
RMG	Readymade Garment
SoP	Standard Operating Procedure
SRH	Sexual and Reproductive Health
TU	Trade Union
UDHR	Universal Declaration of Human Rights

Executive Summary

The objective of this watch report is to unearth the implementation status of the rights of women workers of RMG in Bangladesh and formulate a set of key actions for advocacy. To attain the objective, the study employed a mixed method approach. Quantitative data is drawn from questionnaire survey administered with 390 women workers (154 respondents from Dhaka, 116 respondents each from Gazipur, and Narayanganj). Qualitative information is drawn from three FGDs (one each in Dhaka, Gazipur, and Narayanganj) and KIIs with policymakers, gender expert, representatives of employers' association, Trade unions, Civil Society Organization (CSO) and Labour Rights NGOs.

Bangladesh is obliged to uphold workers' rights through the international workers' rights and human rights instruments that include ILO conventions, Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR), and Convention on Elimination of All Forms of Discrimination Against Women (CEDAW); and national legal and policy instruments comprise the Constitution, Bangladesh Labour Act (BLA) 2006, Bangladesh Labour Rules (BLR) 2015, National Occupational Safety and Health Policy (OSH Policy), National Labour Policy (2012), Fire Prevention and Extinguishing Act 2003 (FPEA 2003), Bangladesh National Building Code 2006 (BNBC 2006), Penal Code and the verdict of the High Court.

Rights coverage of women workers of RMG has been examined based on both international and national standards in several broad areas—employment contract; workplace discrimination and harassment; working time, rest, and leave; welfare; social protection; and freedom of association and collective bargaining. This study finds positives changes in the legal instruments. However, there are gray areas also. In many areas there are considerable gaps and debates. The recent labour law amendment has significantly improved the issues of festival bonus, restricted employment of children under 14 years of age, has eased, to some extent, the condition of TU registration process, has included provisions on SOP and anti-union discrimination and has increased the amount of compensation (although not according to ILO convention). However, the amendment has also created tensions among the workers. It has created a scope to expand daily working hours; has not increased the maternity leave to make it consistent with government sector employees/workers; has retained precondition for TU formation; has created the scope of a reduction in benefits for compensatory leave and festival leave. Moreover, the law still misses specific provisions on accommodation, pension, medical allowance, rehabilitation, alternative skill development, violence against women at the workplace, and workers' skill development.

State of Rights Implementation for Women RMG Workers

Employment Contract: RMG workers are mostly permanent workers. Though identify card provision is mostly implemented in RMG (90% respondent have ID card), violations of legal provisions in different forms are evident concerning the appointment letter and service book. About 23% respondents do not have appointment letter and about 27% respondents received appointment letter after joining the job. Majority of the workers are deprived of receiving service book from both the present and previous employer. Irregularities are common in signing appointment letter and service book. A large number of worker (40%) even do not know that their signature is needed in the service book. Compliance has been a determining factor for the entire employment contract related entitlements. Majority of workers' attendance is recorded by digital punch card. Modern and computerized systems for attendance recording are used at a higher rate in the fully compliant factories.

Working Hour, Rest, and Leave: Every day all workers work for eight hours, as a regular working hour, and 92.1% do overtime work. Daily overtime work exceeds the legal limit for 40% workers. In knit factories, overtime violation is more rampant. Gender difference in the allocation of overtime among the workers is not remarkable. The scope of rest has deteriorated over the past years, 81.0% do not get time to rest.

Incidences of night duty have reduced (52%) in comparison to previous years (74.7%). Women workers of knit factories do night duty more (76.3%) than those of the woven (29%) and composite (60.8%) factories. Only 13.4% of workers have noticed the practice of taking written consent to engage

women in night duty, and only 12.6% of workers always can deny the night duty. Around 17% workers have noticed insecurities of several forms including fear of harassment at both factories and outside the factory, insecurity at the streets, and unsafe transportation at night. Only 6.5% have claimed factory-provided transport facility, which is safe, while work after 10 pm.

Leaves: Workers who enjoy the weekly holiday always is 31.8%, however their proportion is more in compliant factories than partially compliant and non-compliant ones. They mostly (79.3%) are deprived of weekly day-off before the urgent shipment and festivals. Only 3.4% of workers get supplementary leave on a regular basis. In the preceding year, 56.7% of respondents enjoyed casual leave, and 36.4% and 29.2% respondents enjoyed sick leave and annual respectively. Many (13.1%-21.5%) cannot recall whether they enjoyed any leave. Important to note, all leaves are not equally enjoyed by men and women workers; women workers take sick leave at a higher rate than the men workers. The process of applying for leave and its approval is not a simple and easy process always. Instead, it is complicated, cumbersome and stressful for many workers because of the unwanted comments (66%), uncertainty of leave approval (52.5%), power relations (40%), fear of facing misbehaviours from authority (41.2%), and fear of losing the job (26.4%).

Maternity leave: Fully compliant factories provide maternity leave at a higher level (94.1%) than the partially compliant (71.3%) and non-compliant (26.4%) ones. However, the legal provision regarding the length of leave is not followed in the opinion of 32% respondents. Further, maternity leave is not paid always. About one-thirds respondents do not get four months leave with pay. Most of the workers (84.7%) have claimed that they do not face any difficulty to get this leave. For 15% of workers applying for the maternity leave is stressful because they often are asked to leave the job (43.9%), uncertainty of leave approval (33.3%), nasty comments from the management personnel (10.5%). Two-thirds (66.4%) workers do not know whether women workers face difficulty to join the factory after the maternity leave period. 8.2% have talked about several difficulties among which job loss is the most significant one and other difficulties include lack of daycare, the requirement to submit a medical certificate, and appointment as a new worker.

The majority of survey respondents (54.9%) have informed that women workers get some special attention/treatment during pregnancy. However, the FGD participants overwhelmingly claim that facilities are arranged by the coworkers, not by the factory authorities. Women workers perceive that a reduction in workload and daily working hours, an increase in rest period, regular health checkup/investigation, pregnant women-friendly sitting arrangement, special transport for pregnant workers, and allowing them to use lift could make the workplace pregnant worker-friendly.

Wages and Benefits: Though most workers are now getting the legal minimum wage, violation is still apparent in some factories. More than three-fourth workers of non-compliance factories do not get the minimum wages. On average, a worker earns BDT 11774 monthly including overtime, attendance bonus and other allowances e.g. allowance for tiffin, and benefit against leave, in which the average income from overtime works is BDT 2555. Majority of the workers (60.5%) receive the wages according to the legal provision concerning wage payment "time". However, irregular payment is mostly available in non-compliance factories (69%). Though majority of garments workers received bonus for EID/Puja (70%), they hardly get the bonus during *Bangla Noboborsho* (9%). During the Covid-19 period, the wage and benefits have been affected in several ways. 93.4% of workers' wage reduced to 50-65%, and 10.38% faced reduction in overtime money. Besides, there were instances of wage due for 2-4 months, delayed payment, and a reduction in bonus.

Welfare and Social Protection Measures: Welfare and social protection services are available at a varied level. The situations are worst for provident fund (3%) and access to central fund. A slightly better availability of the social protection and welfare provisions are canteen (68%), accident/ injury compensation (42%), and separate rest-room (40%). Out of 390 workers 115 workers responded that their factories provide retrenchment benefits. Besides, only 15% have reported initiation of additional facilities which includes skills development initiatives (9%), transport facilities (6%).

Women-friendly Work Environment

Harassment and Violence: The issue of workplace harassment now has been a great concern for the women workers of RMG which include verbal harassments (93%), psychological harassments (86.7%) are frequently take place. 32.6% and 27.2% of respondents have noticed the existence of sexual and physical harassments. Each of these harassments has again different forms. The common forms of verbal harassment include the use of slang language (gali) (95.9%) and rebuking (83.5%). Under psychological harassment, the most common forms are keeping workers under pressure (95.3%) and the threat for expulsion from the job (42.0%). "Obscene indication" (69.3%), "unwanted touching" in body (62.2%), and 'bad comments' concerning their outfits (55.9%) the most general forms of sexual harassment. On the other hand, the common forms of physical harassment include pushing (69%) and slapping (52.8%). In the cases of verbal, psychological, and physical harassments, office/management personnel are the main perpetrators—93.1%, 96.2% and 85.8% respectively; whereas both management personnel and coworkers are for sexual harassment.

The PC committee (26.2%) and welfare office (23.3%) are important places where workers complain about harassments. Instances of reporting to the anti-harassment committee are not remarkable because of the unavailability of this committee in most workplaces (31.5% respondents have claimed the presence). Many workers (34.4%) avoid any formal channel and complain individually/personally in an informal way to the management personnel. A few (5.9%) workers do not complain because of 'fear' of different nature where the most dominant (82.4%) one is the job insecurity (fear of job loss).

Employers' initiative against harassment is not remarkable. The largest section (46.7%) has informed that their employers have not adopted any Policy on Violence and Harassment, 38.5% are not aware; only 11% of respondents have claimed availability of counseling arrangement for victim; and the majority (52.3%) notices the lack any arrangement to make workers aware.

Daycare and Breastfeeding Corner: Daycare is available at workplaces of 54.1% workers. Compliance variation is significantly observed. 53.6% have claimed that all workers can use the facility. 17.1% have informed none can use the daycare since factory do not ask to bring the child, poor/bad condition, age limit of the children. 29.7% respondents have claimed the availability of breastfeeding corner. Likewise the daycare, its presence is more in fully compliant factories (41.6%).

Health Protection: For the health protection of the workers, several arrangements are available at a varied level. The most available facility is the first aid box (99%), followed by dispensaries (78.7%). Women doctors are available at workplaces of more than three-quarter workers (77.9%). All factories have a gender-segregated toilet. However, 18.7% consider it insufficient. Instances of taking permission are not rampant, however, considering the work-load workers avoid going to the toilet frequently and spending more time there.

Just 28.2 % have informed special treatment during menstruation which include leave, early work-break, providing medicine (pain killer) (44.5%). Only one of every ten respondents have noticed the availability of sanitary napkin at a subsidized cost at their workplaces.

Antenatal, postnatal, and SRH services from factory clinics are not remarkable. 21.5% of respondents claimed that factory clinics provide antenatal and postnatal services that include health checkup, mainly check-up of blood pressure, and medicine and counselling. On the other hand, only 17.9% get SRH service including advice/counselling on family planning, reproductive health, menstrual hygiene. Employers rarely take initiative for regular periodic medical examination of the workers (4.9%). Only 19% have noticed the availability of ambulance which workers can use when necessary (when workers are injured or get sick seriously at the workplace).

Almost all factories (96.9%) had taken several measures to protect the workers' health in the initial months of Covid-19 outbreak. Among several measures checking the body temperature at the factory entrance (88.9%) and availability of soaps for handwashing (98.4%) were most common ones.

Career Prospect and Skill Development Opportunity: Eight of every ten workers have not seen any woman got promoted to a managerial position in their factory in the last one-year period. 43.6% of workers claim that women do not get the equal opportunity for promotion, 25% are not aware. All workers even do not get the information about available positions for promotion (22.8%). Important to note, women workers are generally optimistic and perceive that they have ability to perform duties in upper positions (80%). But employers hardly arrange the training that could enhance the skill of the workers (9.2%). Discussion/dialogue between the employers/management and worker on skill development does not occur mostly, 57.9% have not observed such discussions, 26.4% is unaware.

Gender disparity/discrimination is not significant while setting the production target for men and women workers (4.1%) and determining the quality of work (9%), but present to some extent while evaluating the performance during promotion (22.6%).

Representation, Voice and Freedom of Association: Only 10% of all the respondents have informed that TU is present at their factory, which is related to the level of compliance. Even not all workers are members of TU where it is functioning (60%, 24 respondents). Factors/reasons of different nature prevent workers to be members of TU but the most frequent one is fear of job loss (82%). Prevalence of this fear is more among women workers than their men counterparts. Factory management never encourages workers to join unions (88%) due to the fear of workers' agitation and movement.

Availability of participation committee (74%, more in fully compliant factory-83%) and safety committee (64%) presents a much better compliance reality. Nonetheless, only 4% respondents reported being a member of a committee at their workplaces. Over two-third of the respondents did not know whether women representatives in different committees could raise voices. Only 37% of the respondents felt that women representatives' opinions/voices are heard with equal importance in comparison to that of men.

Dispute Settlement: 29% have witnessed, in the last year, some forms of disputes that had mostly been related to wage and benefits, overtime, bonus and retrenchment benefit. Workers resolved disputes through various means, however the bipartite negotiations with employer was used predominantly (84%) followed by BGMEA arbitration cell (35%). The process followed for dispute resolution has not fully been considered fair though— 24% workers claimed the process unfair since that process always benefitted employers more than the workers.

Advocacy pointers

In order to ensure rights implementation and well-being for the women workers in RMG following advocacy issues to be taken into consideration: i) Making the labour law more women-friendly by incorporating new provisions (e.g. provisions on workplace harassment, sanitary napkin, mandatory female doctor, menstrual leave) as well as amending some existing ones (e.g. maternity leave, separate rest-room and day care, TU formation); ii) Lobbying with the government for ratification of ILO convention No. 190; iii) Inclusion of harassment issue in the labour law on priority basis; iv) Making the anti-harassment committee more prevalent and functional; v) Adopting standard procedure for leave application and approval; vi) Making workplace pregnant worker-friendly by developing a list of conduct/code of conduct on how to behave to pregnant workers; vii) Sensitizing the mid-level management; viii) Strengthening ante and post-natal care from the factory Health Centre/clinic; and ix) Mandatory female doctors in the factory, when the number of doctor is one. Besides following initiatives are also required for making workplaces women worker-friendly: special care during menstruation; adopting workplace policies on harassment and violence; transport facility during night duty; dialogue between workers and employers for skill enhancement; and making promotion rule specific and explicit to the workers.

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1. INTRODUCTION

In terms of employment, readymade garment (RMG) industry in Bangladesh is dominated by women workers—RMG directly employs 4.2 million people of whom majority is women.¹ They are the life-line of this industry. Despite the Bangladesh Labour Act (BLA) 2006 and Bangladesh Labour Rules (BLR) 2015 provides women workers with different rights, they are plagued with various problems. A study of Hossain, Ahmed and Akter (2010) argue that garment workers (both women and men) are deprived of many of their rights in many ways². In spite of having a legal minimum wage for garment workers, the low rate of wage and non-implementation of minimum wage in some factories is one of the most significant issues for them. Along with poor wage, there are also instances of irregularity in timeliness of wage payments that makes the life of the RMG workers and their family members more vulnerable economically. Long working hour is another important workplace issue for them. Physical conditions of the workplace are also considered to be poor. Workers often are to work under conditions that is completely uncongenial. Workplaces often lack safety measures against occupational risks and accidents. Consequently, accidents and injuries are common at workplaces.

Women workers face harassment which has many facets—verbal, sexual, physical and mental. Getting protection during maternity is stalling a dream of many workers. A recent study of Hossain, Ahmed and Sharif (2017) argue that there is still variation in practicing maternity leave³. Some factories provide leave without payment, many other provide payment for fewer months than the stipulated months mentioned in law. A study of ADB and ILO (2016) claims that a negligible number of employers make childcare available to their employees⁴. In many garment factories, mothers do not have space or time to breastfeed. Sample surveys conducted by UNICEF indicate that breastfeeding rates by working women in garment factories can be as low as 10 per cent.⁵

Bangladesh is signatory to many of international conventions and covenants related to worker rights and thus obliged to align labour law with internationally recognized workers' rights norms to ensure workers' rights. Bangladesh labour law should remove the provisions contradictory with the international norms. Since its inception in 1919, the ILO has adopted 190 conventions and various recommendations for protecting and ensuring the rights of the workers. Bangladesh, being a member of the ILO or signatory to numerous conventions, the country is obliged to promote and protect rights at the national level. However, it is also true that Bangladesh has not yet ratified the up to date convention, convention No. 190, that aims at prevention of violence and harassments at workplace.

Bangladesh Labour Act 2006 (amended latest in 2018) is the main instrument to ensure women RMG workers' rights at their workplaces. The Act has articles on major issues related to labor and

¹ It has been widely understood, though based on limited data that women made up around 80 per cent of the labour force of the garment industries. Recent data, however, shows a much lower percentage. A 2015 survey by Asian Centre for Development reported that 65 per cent of workers in the RMG sector were women. The study by EC (EC 2016) puts the number at 55 per cent. In the factories under the ILO RMG programme (Better Work Bangladesh), it was found that 58 per cent of the labour force consisted of women.

² Hossain, J., M. Ahmed, and A. Akter (2010) *Decent Work and Bangladesh Labour Law: Provisions, Status, and Future Directions*. Dhaka: Bangladesh Institute of Labour Studies (BILS)

³ Hossain, J., M. Ahmed, and J. H. Sharif (2017) *Core Labour Standards Plus: Linking Trade and Decent Work in Global Supply Chains in Bangladesh*. A study for FES Bangladesh.

⁴ ADB and ILO (2016) *Bangladesh: Looking beyond Garments: Employment Diagnostic Study*.

⁵ UNICEF (2015), *The Ready-Made Garment Sector and Children in Bangladesh*. War on Want (2011), *Stitched Up – Women Workers in The Bangladeshi Garment Sector*. <http://www.waronwant.org/attachments/Stitched%20Up.pdf>

industries. The Labor Act 2006 has enough sections covering necessary issues for the workers and owners. Also, Labor Act Amendment 2013 & 2018 covered necessary changes to make the Act more acceptable and Labor Rule 2015 has described more to ensure an acceptable situation in the labor sector.

Despite having a specific standard determined by the government the struggles of the RMG workers and the situation have not changed much. The limited implementation of the law is creating complex situation in labor sector especially in RMG sector. The provisions of providing appointment letter, service book, 8-hours work, maternity leave, occupational safety, representation are still issues needed to be addressed. There are lots of unlisted factories where minimum wage is not fulfilled; very low rate of union membership or unionization in the factories, still workplace harassments remain in factory, workers do long hour duty than approved in the law, paid leaves are not enjoyed by the workers. Therefore, lots of improvement is needed in the sector to comply with labor act. It is also necessary to find the gaps regarding the above issue in the labor law.

Without productive, decent and freely chosen employment, the goals of decent living standards, social and economic development and personal fulfillment of Bangladesh's women garment workers remain illusory. Addressing the issue of how workers' rights are protected and promoted is paramount for a balanced strategy on workers' rights promotion that hinges not only the core labour standards—freedom of association, freedom from forced labor and from child labor, and non-discrimination in employment but should also include provisions related to employment relations, occupational safety and health, welfare and social protection, wage and benefits, and working hours.

Objective

The objective of this watch report is to unearth the implementation status of the rights of the women workers of RMG in Bangladesh. The specific objectives are to (a) identification of gaps and challenges in implementation and formulation of labour policies and standards (national and global) for safe-guarding women worker's rights and entitlements; (b) unearth major areas/concerns for women workers that have not been either articulated in policies or have not been getting traction/attention by the policy makers with a view to make the policy framework more responsive; (c) track positive and negative trends in implementation of policies in relation to rights of women workers and workers in general that affect women workers; and (d) formulate a set of recommend key actions for advocacy and make policy recommendations.

Study Methodology

This study followed three phases of study implementation. The first phase—study conceptualization—started with inception through conceptualization and issue identification brainstorming workshop. The workshop finalized the research issues and strategies including methodologies. The indicators pertaining to workers' rights status implementation was finalized. See Annex Table 1.1 for the study issues covered. The second phase—implementation—covered information and data collection through active utilization of various research tools [(e.g. survey questionnaire, checklists for focus group discussion (FGD) and key informant interview (KII)] between December 2020 and January 2021. After information collection data are analyzed and presented in this draft report. In the third phase findings of the draft report will be shared with Care Bangladesh team and other stakeholders. To validate study findings, a consultation meeting is planned to include discussions with representatives of different stakeholders including workers' representatives, employers' representatives, representatives of CSOs, and representatives of government. Upon incorporating the feedback on draft report, the study would be finalized.

This study employed a mixed method approach—both quantitative and qualitative aspects have informed the assessment. Along with the secondary literature, the study team carried out questionnaire survey along with key informant interviews (KIIs), and focus group discussions

(FGDs). The secondary information sources included newspaper reports, journal articles, and research work relating to condition of garment workers especially women garment workers. Qualitative information is drawn from FGDs, and KIIs; Three FGDs (one each in Dhaka, Gazipur, and Narayanganj) were conducted with ready-made sector women workers⁶ KIIs were carried out with policymakers, gender expert, representatives of employers' association, Trade unions, Civil Society Organization (CSO) and Labour Rights NGOs.⁷

Quantitative data is drawn from questionnaire survey administered with 390 women workers (154 respondents from Dhaka, 116 respondents each from Gazipur, and Narayanganj).

The questionnaire for face-to-face survey was developed initially in English incorporating appropriate closed and open-ended questions and then it was translated into Bengali for the field data collection. A piloting was done to finalize the questionnaire.

A team of 6 field enumerators— (4 female and 2 male) with guidelines from 2 data collection supervisor undertook field survey in respective locations. Information was collected through face-to-face interview outside the factory premises or in the home environment. Considering the COVID-19 situation special protective measures was taken for face-to-face interview. Enumerators maintained social distancing while conducting the interviews. Besides, personal protective gears (e.g. face mask, gloves, and hand sanitizer) were provided for both enumerators and respondents. Detailed instructions in this regard were provided to the enumerators during enumerators' training session.

The field enumerators personally contacted the respondents and obtained the desired information fairly and accurately by explaining the objectives of the study to the respondents and following the methodology of research. The field supervisors visited each location facilitating field survey. They checked the survey done by the field investigators. The filled in questionnaires were validated by the field supervisors and submitted to the core team for quality control checks and subsequent computerization of data.

A sound quality control system was developed to adequately monitor the quality of data collection. The questionnaire was fully crosschecked by the enumerators to minimize the number of data mistakes. The field supervisor and core team members constantly moved around the sample spots; and ensured quality data through field checking, and data monitoring.

Field checking was undertaken in both 'presence' and 'absence' of the interviewing teams. 'Checking in presence' meant verification of the work of an interviewing team in a sample area during the time of the interview. 'Checking in absence' meant verification of the work of an interviewing team in a sample area after the team had left the site, having completed its assigned work in the area. During field checking, the field-supervisors performed re-interview, and checked the data accuracy. Field checking in presence' was conducted for all field investigators, while 'field checking in absence' was done over randomly selected sites. The reported non-response items were checked to ensure that they are all due to valid reasons. Data monitoring was done by comparing results of some key variables in completed format/questionnaire, tabulating the variables by interviewing teams, sample sites and investigators.

Data management for this study comprised: (a) registration of questionnaires received from the field; (b) data processing; and (c) computerization of data. As soon as the questionnaires received from the field, those were entered into registration books in to ensure that the core study team has received all schedules received from the field. The data processing activities involved: editing and coding of the questionnaire, and computerization of data. The members of the core team randomly checked the edited schedules after verification. Responses to open-ended questions were recorded 'Verbatim'. In order to meaningfully present and analyze such questions, categorization of those responses was done. After the categorization is complete, and the coding scheme was finally

⁶ The participants of each FGD were selected purposively among both female and male workers. FGDs were conducted at a convenient place in workers' neighborhood, and the participants were priory informed on the time and locations. A list of participants for each of these FGDs is annexed.

⁷ A list of key-informant interviewees is annexed.

accepted, responses to the open-ended questions in every schedule was categorized and coded, using the coding scheme.

Quantitative data collected through HH questionnaire was analyzed using SPSS v22. The quantitative data analysis was done in various steps such as frequency tables, ^[1]_{SEP} cross tabulation and graphical presentation. Data was analyzed at both univariate and bivariate level. Qualitative data was analyzed by coding meeting notes with initial concepts and grouping data to identify key study themes, and finally analyzing the interview, focus group, and meeting notes related to each theme to draw out key findings.

Purposive and snowballing sampling technique was used to select female respondents. The inclusion criteria used to select respondents was (a) women workers having at least one-year work experience at the present work place; and (b) three workers from each factory –one helper(G7)/general operator (G6); one junior operation (G5); and one operator (G4)/senior operator (G3). Please see Annex Table 1.1 for the distribution of respondents according to area.

The demographic profiles of the respondents are included in the Annex Table 1.2, where respondents' age shows that majority of workers (63 %) are in the 18 to 29 years range, and majority of respondents' marital status is married (70%). Workplace related information (see Annex Table 1.3) reveals that respondents are from knit factories are 40%, woven 47%, and from composite factories 13%. Respondents are also from 63% compliant factories, 20% from partially compliant, and 19% from non-compliant factories. See annex Table 1.3 for other workplace related information of the respondents, e.g, position, factory size, perceived compliance category of factories, and work experience in the garment sector and in the current factory.

Study Outline

The study is presented in following two core sections. The following section presents the state of Bangladesh's legal and policy framework related to women garment workers. This section juxtaposes the national standards with the internationally recognized human rights and labour rights framework, along with Penal Code and High Court verdict of the country and identifies gaps and challenges in implementation and formulation of labour policies and standards for safeguarding women worker's rights and entitlements. The third section presents the state of rights implementation for Bangladesh's garment workers in terms employment contract, wage and benefits, work and working conditions, discrimination and harassment, social protection and welfare and voice and representation. This section unearths major areas/concerns for women workers that have not been enforced despite having the national standards. The last section draws conclusion in lieu of tracking positive and negative trends in implementation of policies in relation to rights of women workers and workers in general, and provided strategic advocacy directions in relation to workers' rights implementation for ready-made garment workers.

2. INTERNATIONAL LABOUR STANDARDS AND BANGLADESH'S LEGAL FRAMEWORK: WOMEN RMG WORKERS' RIGHTS PROVISIONS

Workers' rights are entitlements that are linked with the role of an individual being a worker. Worker rights are exercised both individually and collectively, and have included a number of rights under the purview of worker rights, e.g. work in a job freely chosen; fair working conditions including a just wage or protection of privacy; protection from arbitrary and unjustified dismissal; a right to belong to and be represented by a trade union. To rights of freedom, dignity or capability are different foundations of worker rights, and connected with human rights. Human rights/workers' rights exist, because the majority of the states of the world (including Bangladesh) have ratified a certain number of human rights treaties/ labour rights conventions, or because national constitution or law confers rights on their citizens. Bangladesh is obliged to uphold workers' rights through these international workers' rights⁸ and human rights instruments.⁹

The constitution is the highest legislation of Bangladesh, and provides citizens the right to freedom of association, reasonable wages, equal opportunity in employment, social security and prohibits forced labour.¹⁰ The constitution has indicated work as a right and duty of the citizen.¹¹

The Bangladesh Labour Act 2006 (BLA 2006) is the most important labour legislation of the country. The BLA 2006 regulates trade unions, working hours, minimum wages employment and industrial relations. It sets occupational safety and health standards, compensation for injury and accidents in the workplace, maternity benefits, factory inspectorate and restrictions in child labour. The act also established the Minimum Wage Board, the Labour Court, and the National Council for Industrial Health and Safety, the mechanisms to solve industrial disputes such as strikes and lockouts. The latest amendments, in 2013 and 2018, brought some significant changes relating to freedom of association and collective bargaining, and occupational safety and health standards.¹² Along with amendments of BLA, the Labour Rules (2015) has been issued. Formation and activities of safety committee, contribution to worker welfare fund, and provision on festival bonus have been clarified in the rules along with many others. The legal provisions are applicable to all workers including garments except for the enterprises in export processing zones (EPZs).¹³

The broad areas of worker rights covered in Bangladesh's legal framework include employment contract; workplace discrimination and harassment; working time, rest, and leave; welfare; social

⁸ Bangladesh has ratified ILO's seven out of eight fundamental conventions on core labour rights— collective bargaining and freedom of association, elimination of all forms of forced Labour, effective abolition of worst form of child labour, and elimination of discrimination of employment, two out of four governance conventions on labour issues—labour inspection and tripartism, and four out of 71 up-to-date conventions on working time, social protection, and nursing professional protection.

⁹ The instruments originating in the United Nations, particularly the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESR) and International Covenant on Civil and Political Rights have bestowed workers with economic, social, cultural, civil and political rights. Moreover, the Convention on the Rights of the Child (CRC), and Convention on Elimination of All Forms of Discrimination against Women (CEDAW) also provide the basis of protection of workers' rights in Bangladesh.

¹⁰ Bangladesh Constitution, Articles 7, and 14

¹¹ Op.cit, Art. 20

¹² The Labour Act consolidated 25 separate acts into single labour code in 2006, and has been amended four times since its formulation, and the latest amendment was done in 2018.

¹³ The provisions related to enterprises in export processing zones (EPZs) are within the EPZ Workers Association and Industrial Relations Act (2018) (EWAIRA 2018).

protection; and freedom of association and collective bargaining. These provisions in the BLA 2006 along with other legal framework including Bangladesh labour rules 2015 (BLR 2015), National Occupational Safety and Health Policy (OSH Policy), Fire Prevention and Extinguishing Act 2003 (FPEA 2003), Bangladesh National Building Code 2006 (BNBC 2006) are reviewed in line with numerous international instruments including international Labour Organization (ILO) conventions, Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR), and Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). A summary of the workers' rights instruments both as international labour standards, and Bangladesh's legal framework is provided below.

Table 1: Workers' rights instruments

Broad areas of rights	Instruments	
	National	International
Employment contract	BLA 2006, BLR 2015	ILO C 122
Non-discrimination and harassment	BLA 2006 BLR 2015	ILO C 110 & 111 UDHR, ICESCR, CEDAW
Working time, rest, leave	BLA 2006	ILO C 1, 89, & 103, UDHR, CEDAW
Wage and Benefits	BLA 2006	ILO C 131, UDHR, ICESCR
Workplace harassment	Constitution, Penal code, High court verdict	ILO C 190
Occupational Safety & Health	BLA 2006, BLR 2015, FPEA 2003, BNBC 2006, OSH Policy 2013	ILO C155, ICESCR
Social protection & Welfare	BLA 2006, BLR 2015	URHR, CEDAW, ICESCR, ILO convention
Freedom of association and collective bargaining	BLA 2006, BLR 2015	URHR, ICESCR, ICCPR ILO C 87 & 98

Source: Authors' compilation

Rights coverage of women workers has been examined in several broad areas—employment contract; workplace discrimination and harassment; working time, rest, and leave; welfare; social protection; and freedom of association and collective bargaining.

Employment Contract

Numerous international standards exist on employment contract. The ILO, as principle, through the Declaration of Philadelphia emphasized the dignity of labour, and stressed that labour should not to be treated as a commodity.¹⁴ The ILO Convention 122 (Employment Policy Convention, 1964) calls for member states to declare and pursue an active policy designed to promote full, productive, and freely chosen employment. It provides guidelines for ensuring that (a) there is work for all who are available for and seeking work; (b) such work is as productive as possible; and (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use skills and endowments in a job for which the person is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.¹⁵

The protection to workers afforded by the BLA 2006 and BLR 2015 is applicable to all RMG workers who are employees and have an identifiable employer with whom they have an employment relationship. It provides numerous provisions on contractual arrangements e.g., appointment letter and identity card, service book, employee register, as well as detailed guidelines on job termination both by workers and employers. Under the law, it is compulsory for every

¹⁴ http://blue.lim.ilo.org/cariblex/pdfs/ILO_dec_philadelphia.pdf

¹⁵ ILO Convention 122, Article 1.

employer to issue appointment letter and identity card with photograph to all workers,¹⁶ and maintain a register of workers.¹⁷ The employers at their own cost should maintain service books for workers (Section 6). It is also mandatory to maintain a form of the service book, ¹⁸entries in the service book [s. 8 BLA] and workers register and to maintain supply of tickets.¹⁹

It is to be mentioned that there is no discriminatory provision in the law, women workers are equally entitled to these rights, as their male counterparts are. However, lacking mandatory nature makes the law ineffective. Giving a copy of the service book to the workers is not binding. Employers are not required to provide service books to the apprentice, exchange or casual workers.²⁰

Working Hours, Rest, and Leave

Working hour of workers has always been an issue of great concern from the point of view of worker rights perspective and it is still an issue of concern for women workers of RMG. According to ILO convention 1, the working hours of persons should not exceed eight hours in a day and forty-eight hours in a week. Additionally, it provides that the limit of hours of work may be exceeded to fifty-six in the week in cases of processes which are required by reason of the nature to be carried on continuously by a succession of shifts.²¹

According to BLA 2006 a worker in an establishment shall not be responsible to work either— a)for more than six hours in any day unless he has been allowed an interval of at least one hour during that day for rest or meal; b)for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal, or c) for more than eight hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal'.²² According to BLA 2006 every adult worker is allowed to work, without overtime, maximum eight hours a day and forty-eight hours a week. Though, an adult worker may work 10 hours a day and more than 48 hours a week on condition of giving overtime allowance for extra working hour, but the daily and weekly maximum overtime work not to be more than two hours and twelve hours respectively and the average working hour per week must not be exceeded more than fifty-six hours in a year under any circumstances.²³

Concerning night duty of women workers, ILO declares that the women without distinction of age are not entitled to employ during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed²⁴. In terms of night duty restriction, it proclaims that no female worker is allowed to work without her consent between the hours of ten o'clock in the evening and six o'clock in the morning, and for young workers (14-18 years), the forbidden work hours is between the hours of seven o'clock in the evening and seven o'clock in the morning.²⁵ Bangladesh has ratified the ILO Convention 1, and the current labour law in terms of availability of rights provisions complies with the labour standards regarding average daily and weekly work hour, and night duty restriction of young workers, but contradicts with night duty standards for women workers. With consent of women workers, the law allows employers to engage women worker at night even in those establishments where family members of the women worker are not employed.

¹⁶ BLA 2006, Section 5

¹⁷ BLA, Section 9

¹⁸ *ibid.* section 7

¹⁹ *Ibid.*, s. 9

²⁰ *Ibid.*, s. 6

²¹ ILO, Convention 1, Article 4

²² BLA 2006, Section 101

²³ BLA Section 100 & 102

²⁴ ILO Convention 89, Article 3

²⁵ BLA Sec. 109 and 41.3

BLA declares that no female worker should be allowed to work without her consent between the hours of 10 pm and 6 am and no young worker should be permitted to work in any establishment between the hours of 7 pm and 7 am.²⁶

ILO has adopted a convention relating maternity protection including maternity leave that is applied to women employed in any industrial undertakings and in non-industrial and agricultural occupations. According to the standards women are allowed to enjoy a period of maternity leave for at least twelve weeks including a period of compulsory leave after her confinement, and the convention also provides with leave/ extension of leave due to illnesses arising out of pregnancy/confinement.²⁷ The CEDWA has also affirmed the regulation by stating that appropriate measures should be taken by the state parties to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowance.²⁸

According to BLA 2006 a women worker worked in an establishment six months or more immediately preceding the day of her delivery, is entitled for the maternity leave of sixteen weeks (eight weeks before and eight weeks after delivery) (BLA sec. 46). Besides, BLA has made specific provisions on weekly holiday (one and half day in a shop or commercial establishment, or industrial establishment; and one day in factory and establishment), casual leave (10 days), festival leave (11 days), sick leave (14 days), annual leave (one day for every eighteen days). All women and men workers are entitled to these leaves.

Wage and Work-Related Benefits

Several international standards relate to fair wages and benefits. The International Covenant on Economic Social and Cultural Rights (ICESCR) states that the rights of everyone to fair wages should be recognized by the state.²⁹ The Universal Declaration of Human Rights (UDHR) states that all workers have the right to just and favorable remuneration ensuring for themselves and their families an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.³⁰ According to the ILO Convention 131, states are required to establish or maintain a system of minimum wages that cover all groups of wage earners and are to be fixed and adjusted from time to time.³¹ The ILO delineates clear guidelines for determining the level of minimum wage as (a) needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups; and (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

Bangladesh's labour law defines wages to include other benefits and elaborate wage fixation procedure.³² According to law, government is required to establish a minimum Wage Board to determine and declare the rate of wages of workers (Section 138) and it is mandatory for employers to pay worker wages at a rate of wages declared or published.³³ Few specific provisions are important from the perspective of the effectiveness. First, the wage determination does not require considering family size of the workers, and also does not balance between efficiency (profit) and equity (workers' protection) through the wage structure.

The law also specifies the period of wages, and has provided clear instruction on the payment schedule.³⁴ The Law includes the provision that the period of wages must not exceed thirty days,

²⁶ BLA Section 109 and 41(3)

²⁷ ILO, C 103, Article 3

²⁸ CEDAW, Article 11(2b)

²⁹ ICESCR, (Article 7a-i).

³⁰ UDHR, (Article 23.3)

³¹ ILO C 131, (Article 4).

³² BLA Chap. XI

³³ Ibid. Section 147

³⁴ Ibid. s. 123

and wages should be paid within the expiry of seven working days after the last day of wage period. The law has made obligatory for employers to provide all remuneration on a regular and timely manner.

The wage review span is fixed in the law as after every five years—which fails to capture monthly changes in the cost of living for workers. Wage fixation does not cover the process of automatic adjustment to inflation that is high in the country, and much higher for food items the working poor consume.

The law is obligatory for employers to provide all remuneration on a regular and timely manner. The law also specifies the period of wages, and has provided clear instruction on the payment schedule. ³⁵The Law includes the provision that the period of wages must not exceed thirty days, and wages should be paid within the expiry of seven working days after the last day of wage period. The law has made obligatory for employers to provide all remuneration on a regular and timely manner.

It also has elaborated provisions on wage deduction—no deduction shall be made from the wages of workers except few permissible cases and specified fines. ³⁶ Nevertheless, there remains wide scope of employers' discretion in effect possible violation.

It also includes that if a worker is terminated by retirement or by the employer (way of retrenchment, discharge, removal, dismissal or otherwise) the wages payable to him should be paid within seven working days from the day of his termination.³⁷

The procedures and fundamentals for fixation of minimum wage have no reference to piece rate or home-based workers. In addition, the lacking provisions in labour laws related to festival bonuses, and other allowances e.g., healthcare, transportation, and recreation left many of the financial benefits to the discretion of employers.

Workplace Discrimination and Harassment

ILO defines discrimination at work as “any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity and treatment in employment or occupation”³⁸. In any workplace, workers can be discriminated in several ways e.g. wage, treatment, and facilities; and physical, mental and sexual harassment and oppression.

Different instruments have provided provisions regarding non-discrimination in wage, and facilities at workplace. ILO Convention No. 100 ensures equal remuneration for men and women workers for work of equal value³⁹. In a similar way UDHR declares that “everyone, without any discrimination, has the right to equal pay for equal work”⁴⁰. ICESCR is more specific about guaranteeing equal remuneration for women and states that the right of everyone to equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work should be recognized by states⁴¹. CEDAW advocates not only for equality of remuneration but also for equal benefits and treatments, including equality of treatment in the evaluation of the quality of work, in the work place⁴². CEDAW further delineates state obligations to take appropriate measures in number of areas including: (a) same employment opportunities, including the application of the same criteria for selection; (b) free choice of profession and employment, promotion, job security and all benefits, and conditions of service, and vocational training and retraining; (c) social security,

³⁵ Ibid

³⁶ BLA, Sec. 25

³⁷ BLA s. 122 and 123

³⁸ ILO Convention 111, Article 1

³⁹ ILO Convention 100, Article 1

⁴⁰ UDHR, Article 23.2

⁴¹ ICESCR, Article 7-a(i)

⁴² CEDAW Article 11.1d

particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as paid leave; and (d) health and to safety in working conditions, including the safeguarding of the function of reproduction.⁴³

With regards to discrimination, BLA 2006 declares that in determining wages or fixing minimum rates of wages for any worker, the principle of equal wages for male and female workers for work of equal nature or value shall be followed and no discrimination shall be made on the ground of sex.⁴⁴

In general, states are obliged to take appropriate measures to eliminate violence against women⁴⁵. In addition, both ILO and UN have declared more specifically that sexual harassment is prohibited in work⁴⁶. ILO declares: "Sexual harassment at the workplace is detrimental to employee's working conditions and to employment and promotion prospects. Policies for the advancement of equality should therefore include measures to combat and prevent sexual harassment."⁴⁷ The ILO convention 190 defines "violence and harassment" in the world of work to include a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work. The convention call for member states to (a) adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. (b) ensuring that relevant policies address violence and harassment c) comprehensive strategy in order to implement measures to prevent and combat violence and harassment; (d) establishing or strengthening enforcement and monitoring mechanisms; and (e) ensuring access to remedies and support for victims.⁴⁸

The Bangladesh Labour Act (BLA) does not explicitly address the issue sexual harassment and violence. However, it states that no one in an establishment shall behave with female workers in a way that may appear indecent or repugnant to the women's modesty or honour.⁴⁹ On the other hand, under the penal laws of Bangladesh, criminal force or assault⁵⁰, rape⁵¹ and sexual oppression have been made punishable offence.⁵²

Of importance to note, the High Court division's directives on Sexual Harassment directed the government to make a law on the basis of the guidelines, and ruled that the guidelines will be treated as a law until the law is made. The court directed the concerned authorities to form a five-member harassment complaint committee headed by a woman at every workplace and institution to investigate allegations of harassment of women. According to the HC rule, majority of the committee members must be women... the committee will examine complaints from girls or women if they are subjected to any mental, physical or sexual harassment, and recommend to the authorities to take action against the accused persons. According to the guidelines, nobody can touch or hurt with any bad intention any part of the body of a girl or woman. Any indecent word or comment cannot be used about them, and any unknown adult girl or any woman cannot be addressed as a beautiful one with any bad intention. Teasing women and children through e-mail or

⁴³ CEDAW Article 11.1

⁴⁴ BLA Section 345).

⁴⁵ Art. 4(d-f), General Assembly Resolution 48/104 on the Declaration on the Elimination of Violence Against Women, Article 7 – 16, CEDAW, ILO Convention No. 111, and para 178, Beijing Platform for Action

⁴⁶ Article. 2(b), General Assembly Resolution 48/104 on the Declaration on the Elimination of Violence Against Women, ILO Convention No. 169

⁴⁷ 71st session of the International Labour Conference, 1985

⁴⁸ ILO C 190, Article 4

⁴⁹ BLA, section 332

⁵⁰ Penal Code sections 349 –358

⁵¹ Ibid. sections 375 & 376

⁵² [Anti-Women and Children Oppression Act, 2000, section 10
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telephone will also be considered as offence, and ordered that any kind of provocation or character assassination will have to be stopped.

Occupational Safety and Health

The international bodies have provided specific provisions regarding the regulations to prevent workplace accidents. According to the ICESCR, everyone is entitled to work in a safe and healthy working condition.⁵³ The ILO obliges states to formulate, implement and periodically review a coherent national policy on occupational safety, health and the working environment in consultation with the most representative organizations of employers and workers aiming to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing the causes of hazards inherent in the working environment.⁵⁴

The most important laws and regulations related to OSH and building safety in Bangladesh are: (a) Bangladesh Labour Act 2006, which together with the 2015 Bangladeshi Labour Rules (the Guideline for enforcing the Bangladesh Labour Act 2006), set occupational safety and health standards, and compensation for injury and accidents in the workplace; (b) The National Occupational Safety and Health Policy, which focuses on workplace safety and health protection in line with international OSH standards; and (c) The Fire Prevention and Extinguishing Act 2003 and Bangladesh National Building Code 2006 which focuses on preventing workplace accidents, hazards, disease, workplace environment, and building and fire safety.

At the general level, the National OSH Policy obliges employers to: (a) identify the risk of health and safety at workplace; and (b) Give orientation to the persons on the risk of accident, health risk and safety issues. Through this policy the government is also obliged to train people who are able to identify and treat occupational diseases.

The Provisions on the prevention of fire are found in various legislations. The Bangladesh Labour Act 2006 specifies the following: (a) every establishment shall be provided with firefighting apparatus and fire exit; (b) exit doors shall not be locked; and (c) for workplaces with 50 or more workers, employer shall arrange at least once in every six months a mock fire-fighting exercise and shall maintain a record book.

The Bangladesh Labour Rules, 2015 provides more detailed guidance regarding precautions to fire. These include: building at least two exits, safe installation of electrical instruments, and ensuring fire extinguishing equipment and water supply.

The Fire Safety Act 2003 forbids building any multi-storied industry or commercial space without the certification of the Director-General of the Fire Service and Civil Defense regarding fire prevention, fire extinguishing and other fire safety related issues. The Bangladesh National Building Code mandates employers the installation of automatic fire and smoke detection systems in the factory.

Building and workplace safety issue is also reflected in different laws and regulations. The Bangladesh Labour Act 2006 states that: (a) machineries that are moving and in motion, should be securely fenced.; (b) the floors, stairs, passages and gangways of the establishments should be of sound construction and properly maintained; (c) all floors, ways and stairs should be clean, wide and clear of all obstructions; (d) no persons should be engaged in any factory to lift, carry or move any load so heavy as to be likely to cause injury.

Bangladesh Labour Act 2006 states that (a) inspectors may prohibit the use of any building, machinery or plant of any establishment if it appears to be dangerous to human life or safety; (b) workers have the right to be informed by the employers about buildings and machines which are dangerous /risky; and (c) If the employers do not take any measure within specified timeframe, and thereafter accidents occur, the workers will get compensation at twice of normal rate of the compensation.

⁵³ ICESCR, Article 7(b)

⁵⁴ ILO Convention 155, Article 4

Bangladesh Labour Rules, 2015 provides more detailed guidance. These include, for example: (a) Installation of machinery and appropriate arrangements for crane, hoists, lift, pulley and other lifting machineries, and revolving machinery; (b) establishing weight limit lifting, carrying and moving, by hand or on the head; and (c) supplying workers with personal safety equipment.

The Bangladesh National Building Code contains detailed provisions on the safety of buildings: (a) Minimum ceiling heights of every floor of an industrial establishment will be 3.5m for non-air-conditioned and 3.0 m for air-conditioned buildings; (b) The minimum width of staircases of an industrial establishment has to be at least 2.0 m and handrails will have a minimum height of 0.9 m; and (c) The exterior walls of industrial buildings shall have a fire resistance of at least 2-3 hours.

As regards occupational health and hygienic workplaces, the Bangladesh Labour Act 2006 provides for protection from dust and adequate ventilation; sufficient lighting; adequate temperature of the workroom to provide workers with reasonable conditions of comfort and prevents injury to health; protection from overcrowded spaces; sufficient supply of pure drinking water; adequate number of gender segregated toilets and washroom; and a sufficient number of clean and hygienic dustbins and spittoons at convenient places.

Bangladesh National Building Code 2006 regulates the technical details of building construction and provides guidance for a uniform practice regarding planning, design, and construction aspects, as well as service facilities such as electrical, mechanical, sanitary and other services.

BLA 2006 on OSH is encompassing, and touched on three areas of protection: (i) occupational accidents, hazards and diseases; (ii) safety equipment and facilities; (iii) workplace environment. The law provisions in terms of occupational accidents, hazards and diseases, safety equipment and facilities, and workplace environment reflect mostly of those of the provisions of international standards. Nonetheless, the existing regulatory framework lacks any specific provisions regarding (a) biological hazards and psychological hazards; and (b) harmful noise and vibrations at the workplace.

The existing legal framework lacks any specific provision on the rehabilitation process of the severely injured and disabled workers. Establishment of "Safety Committee" is mandatory only for those factories employing at least 50 workers. Some of the legal provisions lack clarity, thus allowing employers to evade their responsibilities in ensuring workers' safety and health. For example, the law provides for fire extinguishers and at least one alternative fire escape staircase. However, the law does not stipulate the ratio of fire escape staircases and fire extinguishers against the number of workers. In addition, there is a long time-gap (six months) between trainings on fire-drill procedures.

Under the Bangladesh National Building Code, the Government is obliged to establish a new, or designate an existing agency responsible for the enforcement of this Code. The Code also stipulates that violations of the Code are an offence and subject to legal action. However, the Government is yet to set up any Code Enforcement Authority, which is a major concern. In addition, the Code does not prescribe any procedure related to legal proceedings. Finally, there are also no regulations that require factories to keep records of the OSH related accidents, diseases and injuries and report them to public authorities. The Bangladesh Labour Rules oblige the factory management to report only cases of fatal accidents and serious injuries. Similarly, there are no requirements that ask the public authorities to provide public records.

Social Protection and Welfare

International instruments provide guidelines to the rights to social protection. ILO delineates guidelines for pension, insurance, and maternity benefits. Each Member of ILO is required to set up or maintain a scheme of compulsory old-age insurance/pension, and sickness insurance. The insured person is entitled to an old-age pension at an age that shall be determined by national laws or regulations but not exceeding age sixty-five.⁵⁵ A person incapable of work by reason of the

⁵⁵ ILO Convention 35

abnormal state of bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity.⁵⁶

ILO Conventions concerning compensation lay down detailed provisions on in case of industrial accident-led personal injury (Convention 17), and incapacitation by occupational diseases.⁵⁷

The ILO Convention 103 states that a woman is entitled, during maternity leave, to receive cash and medical benefits including;⁵⁸ pre-natal, confinement and post-natal care by trained midwives or medical practitioners; hospitalization care where necessary; freedom of choice of doctor, and freedom of choice between a public and private hospital. The UDHR has ensured the maternity benefits for women by its provision stating, 'motherhood is entitled to special care and assistance.'⁵⁹ Maternity benefit has also been ensured in two other international instruments – ICESCR and CEDAW. According to ICESCR, special protection should be accorded to mothers during a reasonable period before and after childbirth and during such period working mothers should be accorded paid leave or leave with adequate social security benefits.⁶⁰ On the other hand, CEDAW has declared that appropriate measures should be taken by the state parties to prohibit dismissal on the grounds of pregnancy or of maternity leave and to provide special protection to women during pregnancy in types of work proved to be harmful to them.⁶¹ According to the maternity benefit provision of BLA 2006, a women RMG worker's employer is liable for the payment of maternity benefit (wage) for sixteen weeks. But the benefit not to be payable to any women worker who has two or more surviving children at the time of her confinement.⁶²

Bangladesh's labour law has matching provisions in the areas of insurance, compensation, and maternity benefits, but does not provide any specific provisions on pension. Instead, two other provisions—provident fund, and gratuity—intending to provide social security benefits to workers are provided.

Welfare provisions include—first aid, washing facility, restroom, day-care. First aid boxes or *almiras* equipped with the first aid appliances should be provided in the establishment at all times and the number of such first aid box or *almira* should be at least one for every 150 workers. But where 300 or more workers are employed, the establishment should provide an equipped dispensary with a patient-room, doctor and nursing staff for its workers.⁶³ Employers must arrange separate washing facility for men and women worker.⁶⁴ If fifty or more workers are employed in any establishment, the employer should provide and maintain adequate and suitable rest-rooms and a suitable lunch-room with the facilities of pure drinking water. Along with, the Law makes the provision of separate rest room for the female workers, where more than twenty-five female workers are employed.⁶⁵ Every establishment should provide and maintain a children room for the children of under six years of age, wherein forty or more female workers are working.⁶⁶

Overall, the rights provisions reflect partly in terms of availability of the standards provisions. Nonetheless, inherent weaknesses of these laws and lacking mandatory guidelines on many of these provisions make these ineffective. The provision of gratuity is optional under the provision of law. The provision of provident fund is subject to numerical bindings—at least three fourth of the total workers of any factory/ establishment require to submit an application to their employer requesting to form provident fund.⁶⁷ The introduction of group insurance too is dependent on the number of workers—may

⁵⁶ Ibid. Article 3

⁵⁷ ILO Convention 18

⁵⁸ ILO convention 103, Article 4 (1 & 3)

⁵⁹ UDHR, Article- 25(2)

⁶⁰ ICESCR Article-10(2)

⁶¹ CEDAW Article 11(2a & 2d)

⁶² BLA Section 46

⁶³ BLA 2006, Section 89

⁶⁴ BLA Section 91-1(b)

⁶⁵ BLA sec. 93

⁶⁶ BLA s 94

⁶⁷ BLA s 264).

be formed where minimum 100 permanent workers are employed. Also, group insurance is not obligatory currently for garment workers. These numerical bindings while exclude workers in establishments of smaller size, it also keeps open the scope for violation through manipulation of numbers and employment contracts. Besides, although injury compensation has increased in the latest amendment (in 2018) of BLA 2006 (from BDT 125,000 to BDT 250,000 for permanent complete disablement, and from BDT100,000 to BDT 200,000 for death of a worker), it still does not reflect on the principles of compensation determined in the international labour standards (Convention No. 121)

Representation, voice and freedom of association

The ILO conventions have obliged states in relation to freedom of association (FoA) and collective bargaining. FoA standards cover the right to form and join association, freedom to elect union representation, protection against victimization and discrimination when joining and forming union, and protection against interference (ILO Convention 87). The ILO has obliged member countries to take appropriate measures “to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers’ organizations and workers’ organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements”.⁶⁸ The UDHR provides that everyone has the right to freedom of peaceful assembly and association and also has the right to form and to join trade unions for the protection of his interests.⁶⁹ According to ICCPR, everyone has the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.⁷⁰ Moreover, ICESCR has proclaimed, ‘The State parties should ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests.’⁷¹

BLA 2006 has provided every worker employed in any establishment with the rights to form and join trade union, by their own choice to regulate the relations between workers and employers or workers and workers and subject to the constitution of the respective trade union.⁷² It makes specific bindings on employer or trade union of employers, and on the person acting on their behalf for protection against victimization and discrimination. These include (a) protection for workers during trade union formation—barred employers to terminate workers while they are in the process of establishing trade union at their workplaces; and (b) strict restriction of transfer of trade union officials—the provision of not transferring the president and secretary of trade union from one place to another without their consent has been extended and made specific.

In order to ensure women’s representation in executive committees of the trade unions the latest amendment of BLA has made a new provision—if in any factory women constitute 20 percent of the workforce at least ten (10) percent of total executive committee members of the union formed in that factory must be from women.⁷³ With regards to participation committee the Bangladesh Labour Rules (BLR) declares while selecting worker representative for participation committee initiatives should be taken to select women members proportionately if in any factory to total number of women worker is 50 or 10 percent of the workforce. (BLR 18g)

The Safety Committee supports the OSH/Safety Officer and top management to perform several OSH tasks such as regular monitoring of safety conditions and provision of training; the Committee also provides advice on OSH issues. 50% of the members of the Committee are from the union/ worker representative side and the other 50% from the management side.⁷⁴

⁶⁸ ILO Convention 98

⁶⁹ UDHR, Article-20(1) & 23(4)

⁷⁰ ICCPR Article-22(1)

⁷¹ ICESCR Article-8(1-a)

⁷² BLA Section 176 (A).

⁷³ BLA sec 176(E)

⁷⁴ BLR 81 (2)

The law sets the maximum size of the Committee depending on the total number of workers. The total number of members shall not be less than 6 or more than 12.⁷⁵ BLR sets the maximum size of the Committee depending on the total number of workers. The total number of members shall not be less than 6 or more than 12.⁷⁶ If the employer has several production sites, it is recommended to establish one Safety Committee at each production site; it is mandatory when the production sites are in different Upazillas.⁷⁷

The top manager appoints the management representatives to the Safety Committee within seven days of the union/workers representatives appointing representatives on their side. The factory OHS/Fire Safety Officer needs to be a member of the committee. In general, the following other persons are appointed: factory manager, welfare officer, heads of department, supervisors, physician, and nurse. To ensure the efficient work of the Safety Committee, it is recommended that a senior manager with power to make decisions is appointed as a member. It is also recommended to take gender aspects into account.

50% of the members of the Committee are from the union/ worker representative side and the other 50% from the management side.⁷⁸ If there is one trade union in the factory, that union is the Collective Bargaining Agent and it appoints the union representatives to serve on the committee. It is recommended that the Union Executive Committee of the factory union appoints members of the Executive Committee including the union OSH specialist. The Rules require taking gender representation into account. If there is no union in the factory, the worker representatives on the Participation Committee appoint the workers representatives to the Safety Committee. Good choices include persons with strong commitment to OSH, experience in the factory, training on OSH, good communication skills, and those from the various sections/ floors/units of the factory. A verification of the nomination results must be conducted. In all establishments where at least one third of the workers are women at least one third of the nominated worker representatives must be women.⁷⁹

Women RMG workers' rights provision: The deficits

In preceding section, we examined the coverage of women RMG workers' rights under the purview of broad areas of worker rights. It has been evident that the national legal instruments have addressed many of the issues of the women workers. However, there are inadequacies also. Following are the gaps and deficits in connection with the women RMG workers' rights issues.

With regards to employment contract related provision the existing labour regulation is not discriminatory and provides adequate protection. However, concerning workplace discrimination and harassment BLA 2006 provisions are narrow. Women workers' situation in RMG reveals that discrimination in different forms exists (Uddin 2015). Although wage-based discrimination has reduced significantly, discriminatory practice in terms of facilities and treatment is prevailing (Hossain et. al. 2017). However, the labour act lacks specific provisions on discrimination related to work place facilities and treatment. Though the law provides principle of equal wages for male and female workers, only the sex of the workers has been considered as discrimination ground. There is no specific provision on preventing sexual harassment at workplace. The Act has a provision on behavior to women and it asks not to behave with women in an indecent way that is repugnant to the women's modesty or honour. However, the act lacks further clarification of 'indecent behavior' and definition/explanation of 'modesty' and 'honour'⁸⁰. Therefore, the provision is vague to a great extent.

⁷⁵ BLR Sections 81 (7)

⁷⁶) BLR Sections 81 (7)

⁷⁷ BLR s. 81 (1)

⁷⁸ BLR s. 81 (2)

⁷⁹ BLR s..81 (13)

⁸⁰ Interview with key informant

Working hour and work time, which includes average daily and weekly hour, overtime, and night duty provision, has great significance from the point of view of women workers' rights and their decent work situation. The labour law of Bangladesh complies with international norms regarding average daily and weekly work hour, but contradicts with night duty provision for women workers. Though the law prohibits employers to employ women workers for the period between 10 pm to 6 am., the law however, with consent of women workers, allows employers to engage women worker at night even in those establishments where family members of the women worker are not employed. On the other hand, 10 p.m. as the start hour of restriction for women is quite late hour⁸¹. In the case of night duty, the security issues, concerning women workers, both within and outside workplace are not addressed in the labour law.⁸²

With regards to maternity leave the Labour Act lacks realization of the need of the women workers. The current leave (sixteen weeks) is also discriminatory in comparison to the women employees of public sector where they enjoy six-month maternity leave. Nonetheless, the law does not allow women workers to enjoy the leave according to their choice⁸³. The law also lacks leave provision during menstrual-cycle, which has been introduced in some countries⁸⁴ and have gradually becoming a popular demand of the women workers. Furthermore, the law also lacks provision of long-term leave in case of abortion and pre-mature birth and other pregnancy related complexities.

Although BLA 2006 has several provisions on welfare facilities favorable for women workers' enjoyment these facilities are subject to the pre-requisite number of workers reflecting that the Act lacks adequate realization of gender/women workers' issues and therefore these workers' number-based preconditions need to be withdrawn. Rest-room and day-care facility is also subjected to the number of workers. Rest room facility will not be provided to the workers if they are less than fifty in number. On the other hand, separate rest room for women workers will be arranged only in those workplaces where the number of female workers is more than twenty-five. In the case of day care facility, the required number of female workers as condition is quite high, forty or more. Labour Act has made provision on arrangement of first aid box and the labour rules have determined the essential to be preserved in these boxes. However, this also lacks gender sensitivity. Neither the law nor the Rules fix provisions on preserving sanitary napkins at convenient and easily accessible places⁸⁵. Furthermore, The BLA 2006 also lacks provision of 'mandatory female doctor' at the workplaces of women RMG workers. Therefore, the gender specific needs/special conditions of women have not been addressed adequately under these provisions.

With regard to gender-specific social protection the labour Act has introduced maternity benefit. However, it is narrow in its coverage as it only ensures cash benefit (wage). The broad spectrum of maternity protection is absent in labour law. Law has not included provisions on pre-natal, confinement and post-natal care by trained midwives or medical practitioners; hospitalization care where necessary; freedom of choice of doctor; and freedom of choice between a public and private hospital. In the case of maternity benefit there are also time-bindings as pre-condition. At least six-month long continuous work is needed to receive maternity benefit from the employer. The law also has no direction on popular demands, as part of social protection, such as pension and accommodation (residential arrangement) of the women workers of RMG.

There are restriction and scope of inadequate representation of women workers in the current labour law. In order to be registered, a trade union must have a minimum membership of 20 percent of the total number of workers employed in the establishment or group of establishments in which it has formed [Section 179 (1) & (2)]. This provision clearly contracts with ILO convention No. 87 where no such prerequisite number of memberships has been mentioned. Besides, the

⁸¹ Findings from FGD

⁸² Interview with key informant

⁸³ Interview with key informant

⁸⁴ Findings from FGD

⁸⁵ Findings from FGD

existing provision of selecting worker representatives of participation committee and have the scope of disproportionate selection of women workers and formation of men dominated committees, whereas the whole RMG sector is women workers dominated.

Analyzing the coverage and gaps in labour regulation, with regards to women RMG workers' right issues, it has been evident that, despite having several provisions and coverage, the existing labour regulation is not suitable enough to address workplace related all issues and rights of the women workers. On the one hand, existing provisions on daycare, separate rest room, maternity leave, TU formation are inadequate, and on the other hand labour regulation lacks provisions on some key gender issues like workplace harassment, sanitary napkin, mandatory female doctor, menstrual leave. Therefore, women RMG workers are more susceptible to deprivation and exploitation in terms of their rights and benefits. It is thus a dire need to bring about necessary changes/ amendments in the labour Act so that it realizes the gender and women workers' issues adequately and becomes more women-friendly.

3. THE STATE OF RIGHTS IMPLEMENTATION FOR WOMEN RMG WORKERS

This section presents the state of rights implementation for Bangladesh’s garment workers in terms employment contract, wage and benefits, work and working conditions, discrimination and harassment, social protection and welfare and voice and representation. In subsequent presentation of the implementation status of workers’ rights issues, this section unearths major areas/concerns for women workers that have not been enforced despite having the national standards.

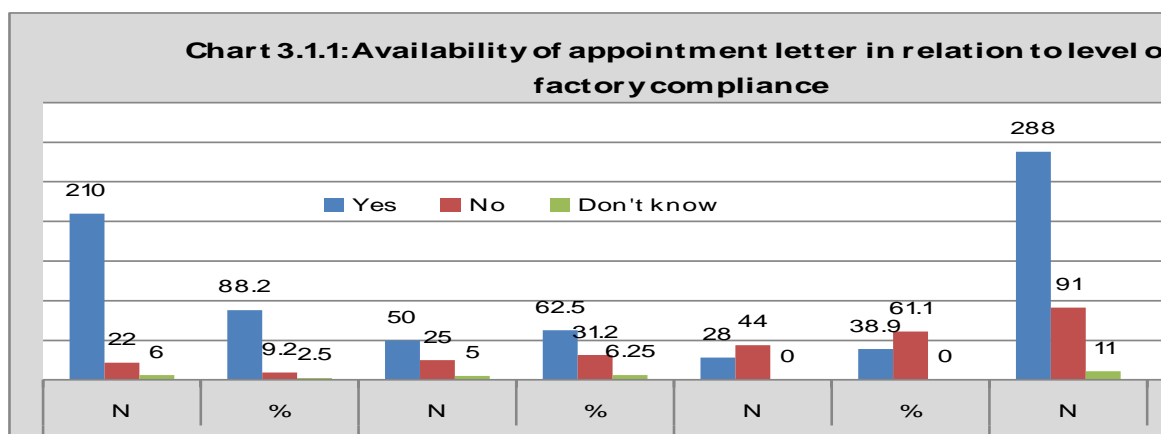
3.1 Employment Contract

Employment status

The RMG workers mainly work as permanent basis. Only two (.5%) workers in the current study have found work as temporary basis. Similar findings observed in another study that reveals only 1.4% men and 1.6% women workers temporarily work in RMG industries.⁸⁶

Employment contract related entitlements

Appointment letter: A remarkable change is evident in the present survey regarding appointment letter received by RMG workers. The present survey shows that about three-fourth (74%) of the respondents received appointment letter from their employer. The situation has improved due to the increased attention on ensuring the compliance at factory level. It is an outcome of the concerted efforts of different stakeholders in this sector. Opposite findings was apparent in a study conducted two years ago. The study revealed 72 percent of RMG workers in Dhaka and Gazipur did not have a job contract or appointment letter.⁸⁷ Though the situation has been improved, violation of legal provisions regarding appointment letter⁸⁸ is evident in different forms in the current study. The study highlights about 23 percent respondents yet to have appointment letter. Lack of this entitlement is very high in the non-compliant factories (61%), however 31% workers of partially compliant and 9% of compliant factories do not have appointment letter (Chart 3.1.1).



Source: Field Survey December 2020

⁸⁶ Monzur Hossain Kazi Iqbal Tahreen Tahrima Chowdhury, (2019). "Impact on compliance on RMG industry of Bangladesh", Retrieved from: https://bids.org.bd/uploads/events/ALMANAC2019/S3_P2.pdf on 7 January 2021.

⁸⁷ The situation of women workers in the RMG sector in Bangladesh (2018, July 8). *The Daily Star*. Retrieved from <https://www.thedailystar.net/round-tables/the-situation-women-workers-the-rmg-sector-bangladesh-1606447>

⁸⁸ Giving an appointment letter to the workers is a mandatory provision to be implemented by the employers. (Section 5, BLA 2006)

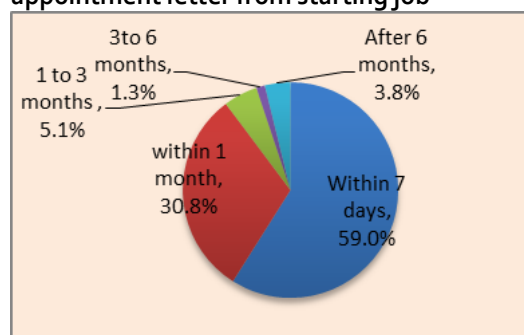
Irregularity is observed in issuing appointment letter. According to law provision, workers are entitled to get appointment letter during the joining day. About 27% respondents received it after joining the job (Table 3.1) and the time gap between starting the job and receiving appointment letter varies significantly, from 7 days to 6 months or later (Chart 3.1.2). FGD participants (Dhaka) bring it into notice that sometimes identity card is provided to the workers after six month or one year of service. The reasons for the delay are not specific. Sometimes workers are given the appointment letter later as part of their recruitment practice. The need of the factory for workers is also to be mentioned. Some factories often employ workers urgently and provide them with an appointment letter after collecting necessary papers/documents (e.g. NID card, birth certificate, certificate from union council chairman). Besides, workers often cannot provide these required documents/papers timely, resulting in a delay in getting the appointment letter (KII).

Table 3.1: Time of receiving appointment letter

	Frequency	Percent
At the time of joining	200	69.4
After starting my work	78	27.1
Do not remember	10	3.5
Total	288	100

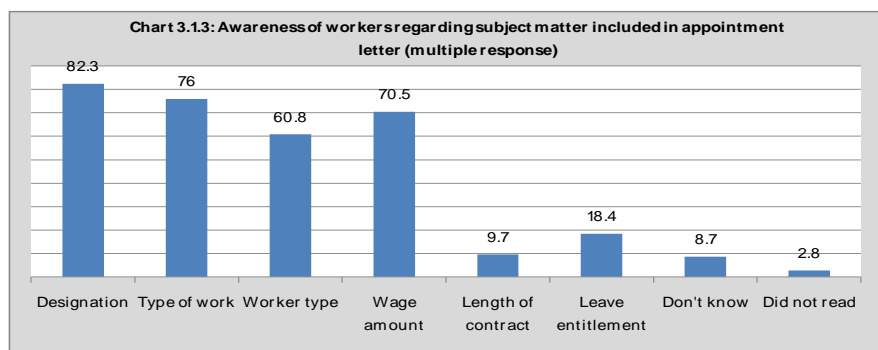
Source: Field Survey December 2020

Chart 3.1.2: Duration of receiving appointment letter from starting job



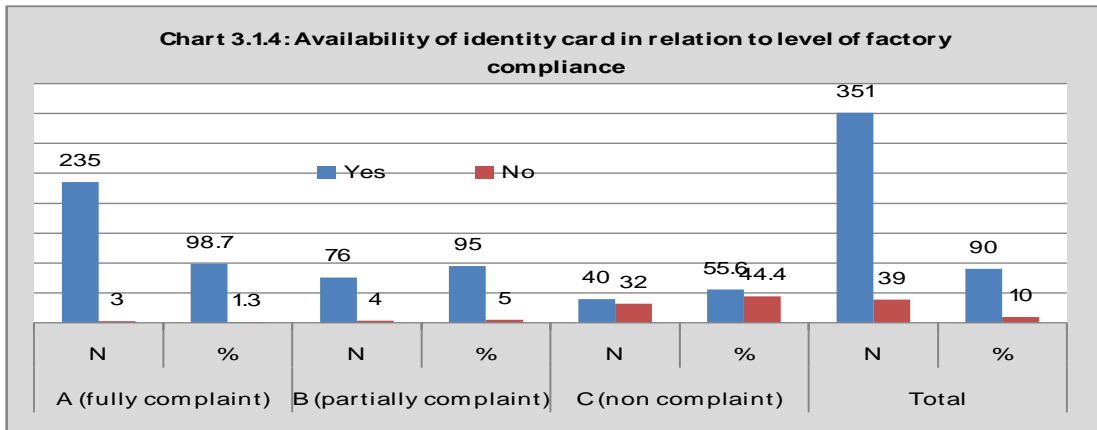
An appointment letter contains various issues like name of workers, parent's name, joining date, worker's type, wage structure, and length of contract. All the workers are not aware about the subject matter included in appointment letter. Lack of awareness is evident among the 12% of survey respondents among those who have appointment letter. The others respondents informed that the appointment letter indicates the issues— designation (82%), type of work (76%), worker type (69%) and wage amount (71%) (Chart 3.1.3).

Although the labour law ensure that a worker will receive an appointment letter from an employer only one time, two survey respondents claim that they have received appointment letter for two times from their current employers.



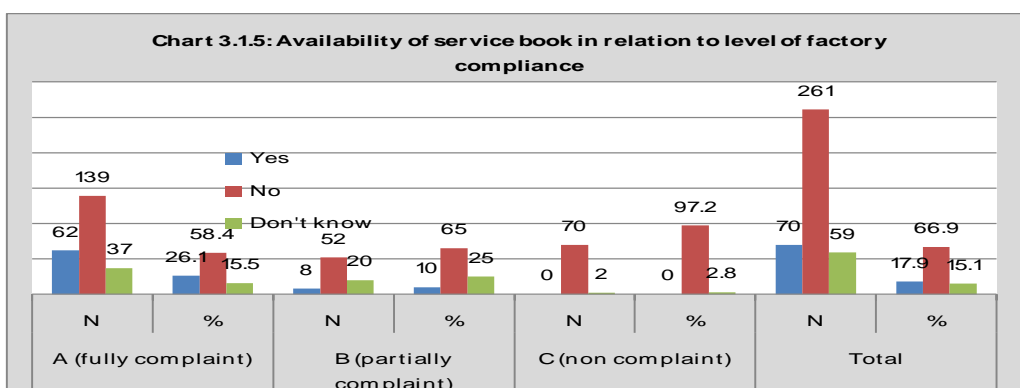
Source: Field Survey December 2020

Identity card: The labour law has obliged employer to issue an identity card with photograph to all workers. ⁸⁹ The provision is widely implemented in RMG industries. Majority of the survey respondents (90%) have ID card. 44% workers of non-complaint factories reported about not having ID card. The FGD participants (Narayanganj) claimed that there are some non-complaint factories that do not give the ID card, they consider attendance card as ID card, but all the workers of compliance factories have ID card. The survey respondents have been asked whether they had to pay for getting ID card. Except five all the respondents said that they did not have to pay to get it.



Source: Field Survey December 2020

Service book: Service book is an important component of employment contract. The work record e.g. position, grade, employment history is documented there. It is very important for workers since it shows the duration of work, previous work record, and the last salary (grade) received. ⁹⁰Violation of law provision relating to service book is prominent in RMG factories. About two-thirds of the respondents are deprived of this entitlement. Difference is apparent based on the compliance level. Fully compliant factories provide service book at a higher rate than the partially compliant and non-compliant factories. The survey findings however show, more than half of the workers of fully compliance factories do not have the service book. Lack of awareness in this regard is evident in among 15% of workers (Table 3.5).

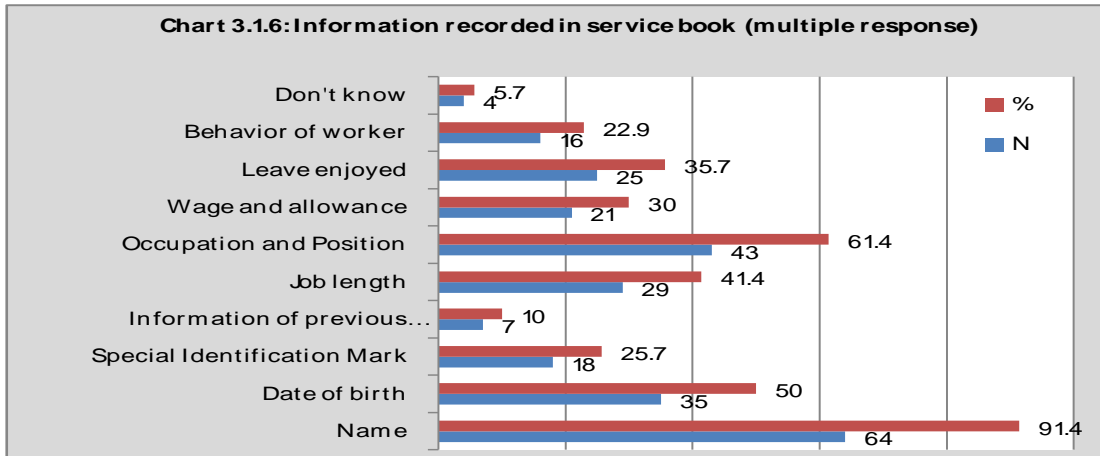


Source: Field Survey December 2020

⁸⁹ BLA 2006, Section 5

⁹⁰ Labour Law 2006, Section 7(2) and Labour Rules 2015, Rules- 21

The workers who informed about having service book are almost aware about the information recorded in the service book. The workers have informed that their service book recorded the information like name of workers (91%), death of birth and special identity mark (76%), Occupation and position (61%), job length (41%), wage and allowances (30%), leave enjoyed (38%) and behavior of workers (23%). About 6 percent workers have found not aware in this regard (Chart 3.1.6).



Source: Field Survey December 2020

Non-compliance with the legal provisions is also observed among the employers who provided the service book. About one-third of the respondents have claimed that they never do signature in the service book that is a legal requirement. About 57 % respondents said that they sometimes have signed in the service book. Regarding the reasons of not signing service book, lack of awareness of worker is prominent. About 40% workers reported that they do not know that their signature is needed in the service book. The other reasons they mention e.g. they do not know when the information is inserted in the service book (30%), the employers never show it (13%), and never asked them to sign on it (11%) (Chart 3.1.7).



Source: Field Survey December 2020

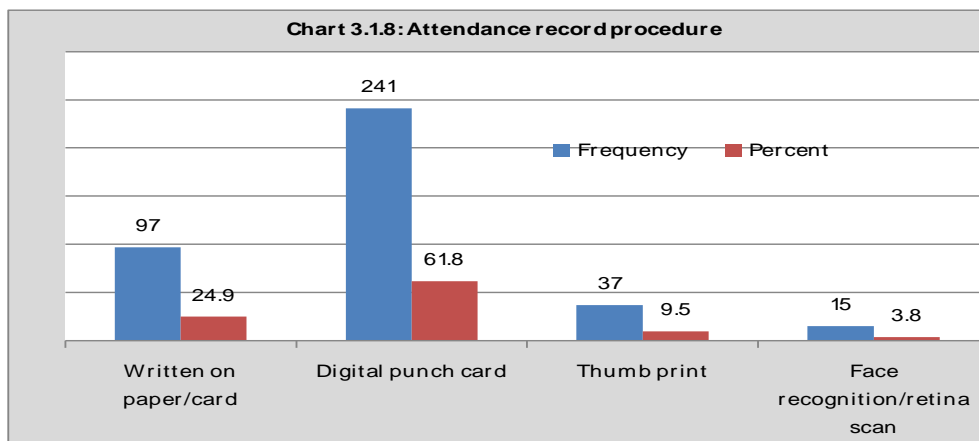
According to law provision, before employing a worker employer should require previous service book from the employee. Violation of law provision is available in this regard. More than half of the total survey respondents (51%) reported that they did not submit the service book to their present employer. As the reasons of not submitting service book, majority of them informed that

their previous employer did not provide them the service book, followed by 38% said their current employers did not require for that

The survey respondents were asked whether they faced any problem to get the appointment letter, identity card and service book in their present factories. Only One, three and two respondent workers claimed that they faced difficulties to get appointment letter, ID card and service book respectively and no gender-based discrimination is evident in this regard.

Attendance record procedure: Employers use different procedures to record the attendance of the workers. Majority of workers' attendance is recorded by digital punch card. One-fourth of workers inform that their factories maintain attendance record to written on paper/card. About 10% and 4% workers reported that their attendance is recorded by thumbprint, and face/retina scan.

Since the use of modern computerized system for keeping records of attendance has expanded widely the present survey found that majority of the workers' (93%) attendance is recorded properly. Only few (4%) workers claim that often fewer hours are recorded than actual hours.



Source: Field Survey December 2020

Changes of Rights Implementation Status of the Women Workers

No major improvement that is beneficial only to women is observed in RMG factories within recent two years. Only about one of every four respondents informed that they found improvement in this regard (Table 3.10). Type of improvement that mainly observed by the survey respondents include medical facility (48%), activated safety and security committee (34%), activated anti-harassment committee (27%).

The overall discussion regarding employment contract reveals that the current RMG workers are mostly permanent workers. Though identify card provision is mostly implemented in RMG sector (90% respondent have ID card), violations of legal provisions in different forms are evident concerning the appointment letter and service book. About 23% respondents do not have appointment letter and about 27% respondents received appointment letter after joining the job. The time gap between starting the job and receiving appointment letter varies significantly from 7 days to 6 months. Majority of the workers are deprived of receiving service book from both the present and previous employer. Irregularities are common in signing appointment letter and service book.

Compliance has been a determining factor for the entire employment contract related entitlements. More than half of the workers of fully compliance factories however do not have the service book. However, it must be mentioned that in most cases service books are prepared and preserved in these factory offices to present them before the buyers or inspection/audit teams, but are not handed over to the workers (FGD, Narayanganj and Dhaka). The workers who informed

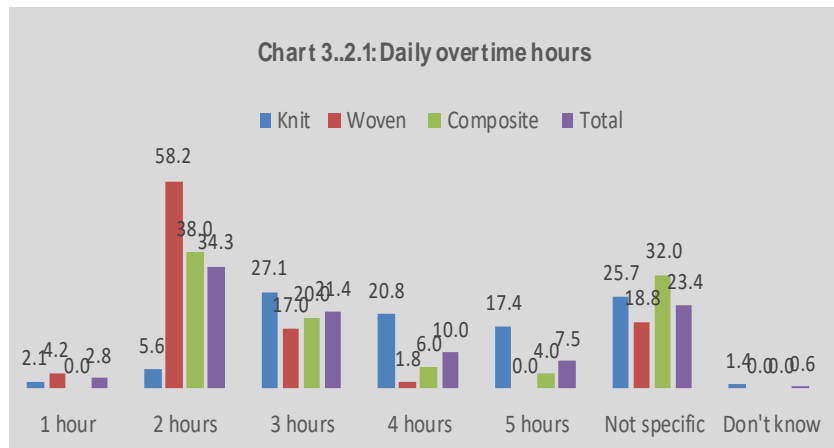
about having service book are almost aware about the information recorded in the service book. Majority of workers' attendance is recorded by digital punch card. Modern and computerized systems for attendance recording are used at a higher rate in the fully compliant factories. No major improvement that is beneficial only to women is observed in RMG factories within recent two years. Only about 24% respondent reported about the improvement that is beneficial to women

3.2 Working Hour, Rest, and Leave

Daily working hours, overtime, and rest

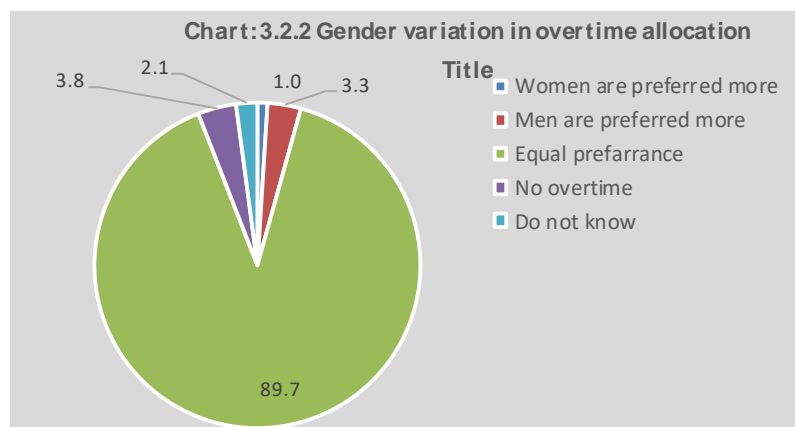
All workers do 8 hours of work, as a regular working hour, every day. The practice is compliant with the legal provision⁹¹. More than nine of every ten (92.1%) workers do overtime work. Violation of overtime is widespread⁹².

Daily overtime work exceeds the legal limit for 4 of every ten workers, which is a remarkable reduction in comparison to the situation explored in 2017.⁹³ It is to be mentioned that this is possibly due to an impact of Covid-19 when many of the factories had suffered from shortage of work-order. Factory wise variation is remarkable. In knit factories,



overtime violation is more rampant. Two-thirds of knit-factory workers do overtime for more than two hours. More than two-hours overtime for woven and composite factories have been reported respectively by 18.8% and 30% respondents. Compliance level of the factories has a noticeable influence on the length of daily overtime work. Violation of legal provision on overtime is more in non-compliant factories (51.5%) than fully compliant (36.2%) and partially compliant (36%) ones.

For many workers (23.4%), daily overtime work is not specific. Please note, non-specific hours have been reported by far lesser proportion of workers (4.5%) from the non-compliant factories. Respondents from fully compliant and partially compliant factories have noticed non-specific hours at a higher rate. Overtime work depends on workload, shipment period and during pick time (FGD).



⁹¹ No adult worker shall ordinarily be required or allowed to work in an establishment for more than eight hours in any day. [BLA 2006, Section 100]

⁹² No adult worker shall ordinarily be required or allowed to work in an establishment for more than forty-eight hours in any week. Provided that the total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year. [BLA 2006, Section 102]

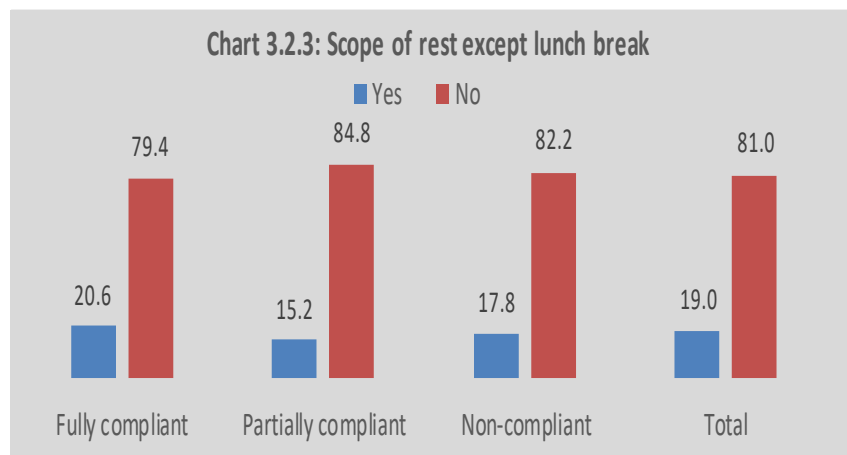
⁹³ About sixty percent workers used to do overtime work of more than two hours. [Watch Report, January 2018] *Watch Report: Rights Implementation Status*

Gender difference in the allocation of overtime among the workers is not remarkable, yet not absent entirely. Nine of every ten respondents have claimed an equal preference for men and women workers while allocating overtime duty by the factory management. Only 4.3% of all respondents have noticed a preferential practice. However, this tiny proportion of respondents' information shows that women suffer discrimination, thirteen respondents have claimed that employers prefer men workers and only four have claimed women get the preference.

Workers do not generally get the chance to take rest other than the lunch break⁹⁴. The scope of rest has deteriorated over the past years. After implementing the latest minimum wage in December 2018, many employers have stopped recruiting workers at lower grades, and most factories have increased the daily production target of a worker. Therefore, the scope of rest has shrunk remarkably. More than eight of every ten workers (81.0%) do not get time to rest⁹⁵. The situation is similar in all factories irrespective of its compliance level. Out of 390 workers, 74 (19%) have noticed the scope of rest. Of these 74 respondents, 69 get the chance for once daily, and the remaining five for two times. However, the rest period is usually short, 5-15 minutes. Similar to the overtime allocation, gender disparity regarding the rest period is not remarkable. Just 7 of 390 respondents (1.8%) have claimed that men get more rest than women.

Night duty

Majority of the women workers do night duty. However, incidences of night duty have reduced in comparison to previous years. In 2017, 74.7 workers had the experience of night duty⁹⁶. Under the present survey, 52% of the respondents informed that they work after 10 pm⁹⁷. This is also an



evident impact of the Covid-19 on the RMG sector. FGD participants inform: *We used to do night duty two years ago. But now there is no night duty for women workers. If requires men workers attend for night shift* (FGD, Narayananj).

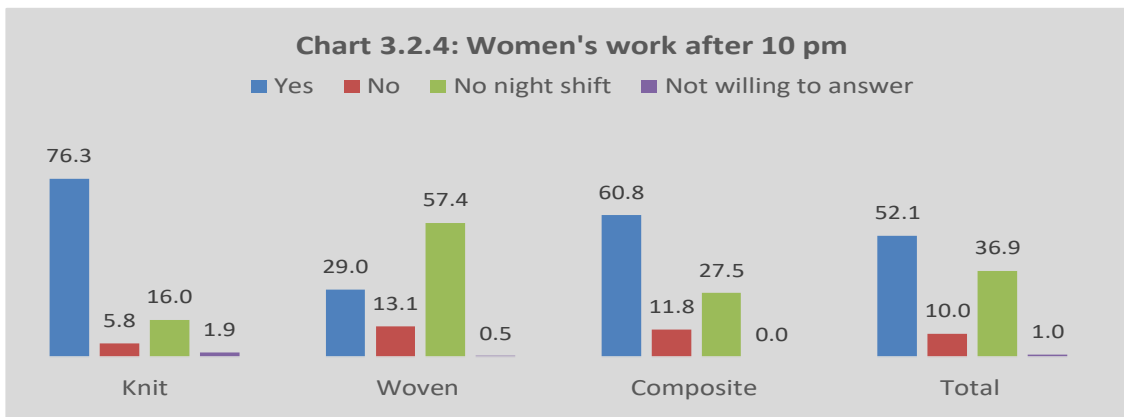
Women's night duty varies significantly according to types of factory. Women workers of knit factories do night duty more (76.3%) than those of the woven (29%) and composite (60.8%) factories. Employers engage women in night duty mainly before the urgent shipment. Almost all of them [195 of 2013(96.1%)] have talked about this period. Besides, 7.9% have claimed that they work after 10 pm during pick time (November to February). 6.9% of women workers work after 10 pm round the year.

⁹⁴ Any worker in any establishment shall not be liable to work either-(a) for more than six hours in any day unless he has been allowed an interval of at least one hour during that day for rest or meal; (b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or (c) for more than eight hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal. [BLA 2006, Section 101]

⁹⁵ 70 percent of the workers did not have the chance to rest. [Watch Report, January 2018]

⁹⁶ Watch Report, January 2018

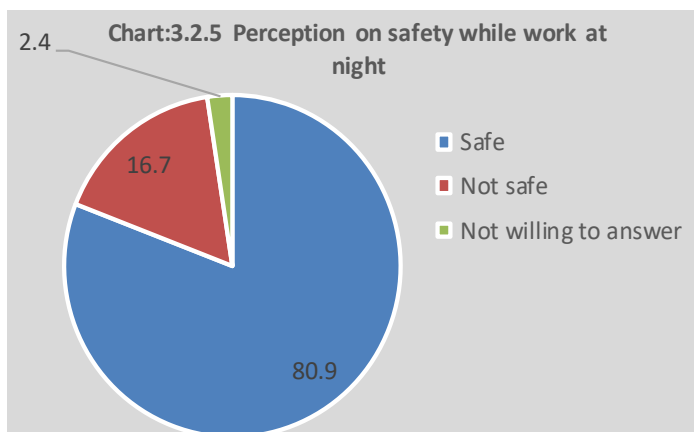
⁹⁷ No women shall, without her consent, be allowed to work in an establishment between the hours of 10.00PM and 6.00 AM (BLA 2006, Section 109)



Source: Field Survey December 2020

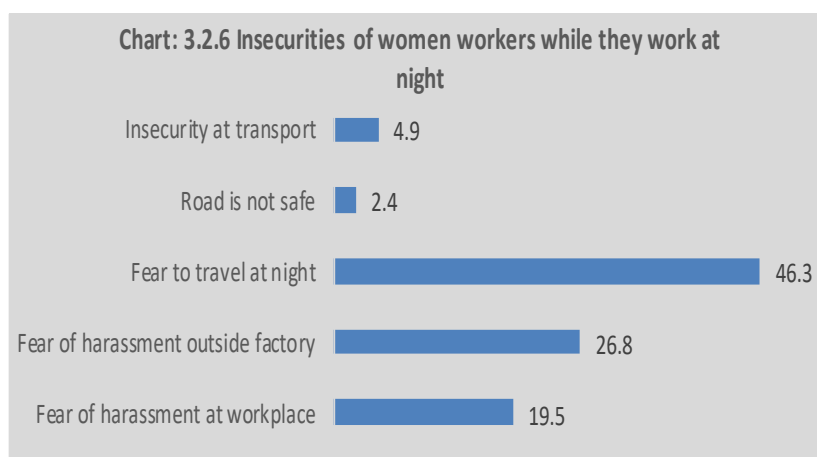
Sense/threat of insecurity among the women workers while they work at night is not remarkable. Eight of every ten (80.9%) workers inform that women feel secured while working after 10 pm. Around seventeen per cent of the workers have noticed insecurities of several forms. The insecurities include fear of harassment at both factories and outside the factory. Some others have also talked about the insecurity at the streets and unsafe transportation at night.

Majority of them have claimed that the insecurities of men and women workers are the same. 27.66% of workers have reported the disparity. According to them, either men do not face problems or do not fear working at night. A few respondents also inform that the natures of fear between men and women workers are different.



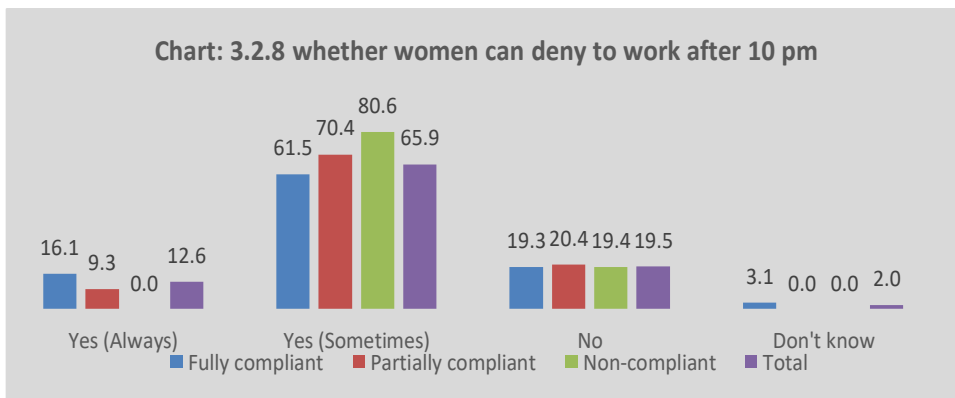
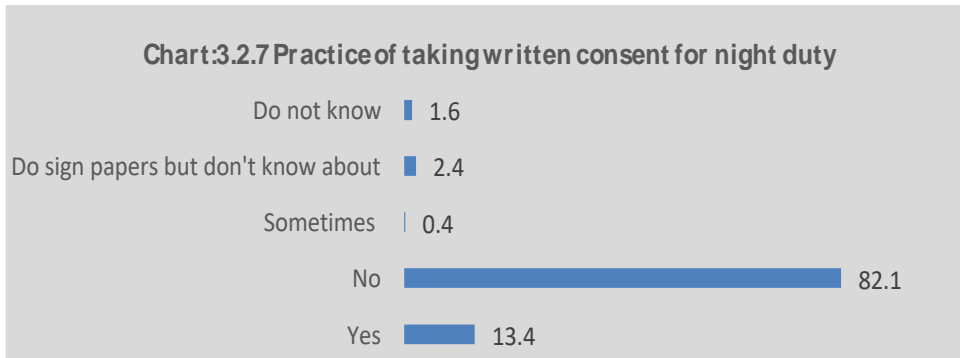
Taking written consent⁹⁸ from the women workers to engage them in night duty is very infrequent. Only 13.4% of workers have noticed such practice. A few others further claim that they often sign many papers but do not know what those papers about. Most participants of FGDs have provided similar information.

Regarding the scope of refusal of night duty, about two-thirds claim that sometimes they can refuse but not always. The condition is the same in



⁹⁸ No women shall, without her consent, be allowed to work in an establishment between the hours of 10.00PM and 6.00 AM (BLA 2006, Section 109)

knitting, woven, and composite factories. Only 12.6% of workers always can deny the night duty, and the situation is worse in woven factories (3.8%). About one-quarter of the respondents cannot refuse it at all. Regarding the compliance level of the factories, no disparity has been observed. Nevertheless, in woven factories, the condition is worse (34.6).

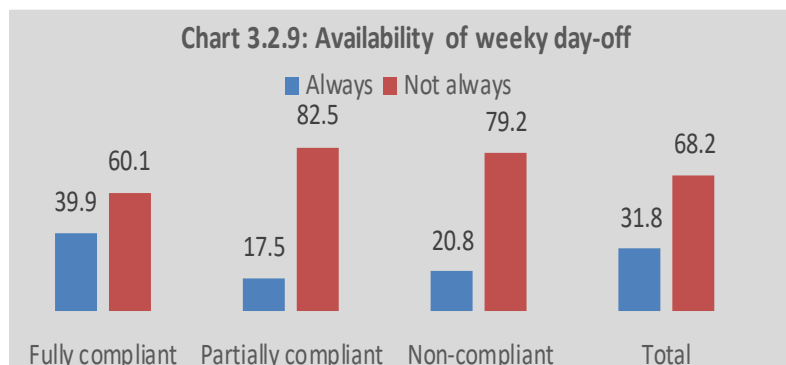


Source: Field Survey December 2020

Factory-provided transport facility while workers work after 10 pm is infrequent. Only 6.5% have claimed such a facility. Most of those (14 of 16 respondents) perceive the transport safe. Only two (2) respondents consider it unsafe because of too much crowd.

Leaves

Violation of the legal provision on weekly holiday⁹⁹ has been evident widely. More than two-thirds (68.2%) of the workers can not enjoy this leave always. In contrast, 31.8% of workers always get a day off in seven days, which is a significant negative trend compared to the condition in 2017¹⁰⁰. The situation varies in



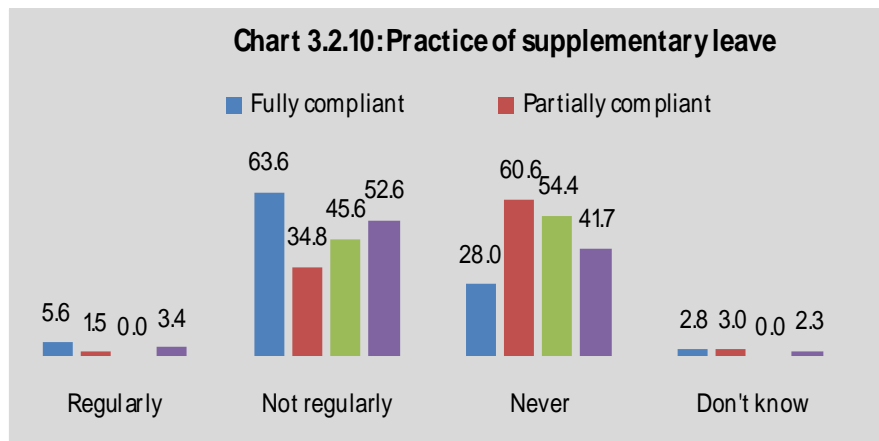
⁹⁹ An adult worker employed in an establishment which is a shop or commercial establishment, or industrial establishment, shall be allowed in each week one and half days holiday and in factory and establishment one day in a week [BLA 2006, Section 103]

¹⁰⁰ More than one-quarter (25.3 percent) workers do not get chance always to enjoy the weekly holiday. [Watch Report, January 2018]

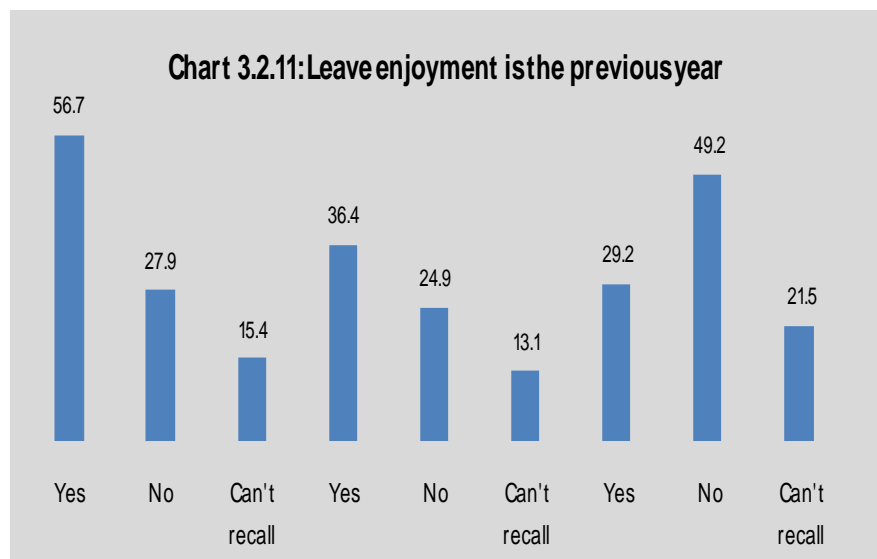
terms of both the factory category and compliance level. Workers who always get weekly holidays are more in woven factories than knit and composite ones. Compliance category shows that the proportion of workers enjoying the weekly holiday always is more in compliant factories than partially compliant and non-compliant ones.

Different circumstances deny workers a regular weekly holiday. Survey data shows that they are mostly (79.3%) deprived of this scope before the urgent shipment. Besides, before the festivals, many workers are not allowed to enjoy a weekly day-off. Further, 2% have claimed that employers do not allow a regular weekly holiday during pick-time (November to January). *"The authority does not provide weekly holiday at the rush time of production. One- or two-days' monthly holiday is granted by them."*— claims a FGD participant in Gazipur.

A striking feature is that workers are not provided with the supplementary leave¹⁰¹ when they work on a weekly holiday. Only 3.4% of workers get this leave on a regular basis. 41.7% of workers never get this leave. Remarkable variation has been observed concerning the compliance category of the factories. The proportion of workers who never get supplementary leave is more in partially compliant and non-compliant factories than compliant one.



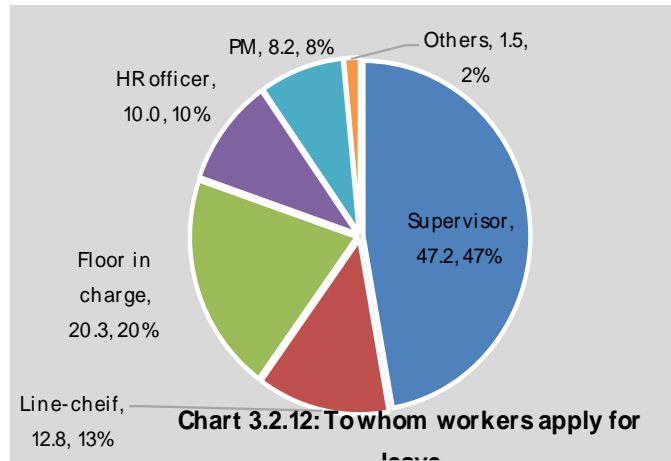
Leave enjoyment condition is not satisfactory. Many workers do not enjoy any leave¹⁰². Many even cannot recall whether they got any leave in the last year. Survey data shows that 56.7% of respondents enjoyed casual leave in the preceding year of this survey. For sick leave and annual leave, 36.4% and 29.2% respondents respectively got the chance. Respondents who did not enjoy casual leave, sick leave and annual leave in the previous year is also quite a large section in each case, 27.9%, 24.9%, and 49.2% respectively.



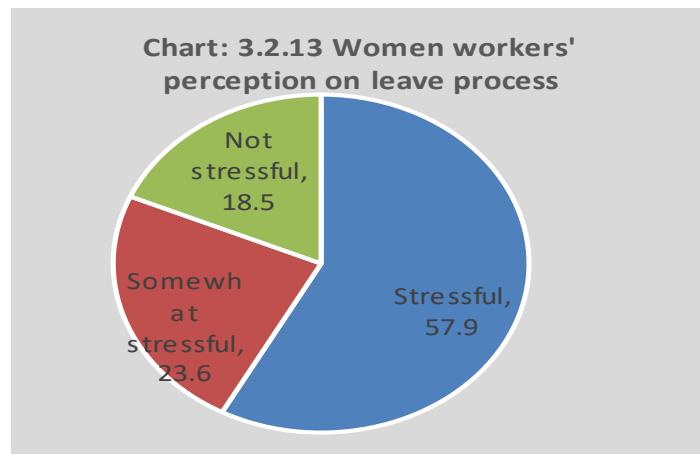
¹⁰¹ Where a worker is deprived of any of the weekly holidays, s/he shall be allowed, as soon as circumstances permit, compensatory holidays, of equal number to the holidays so deprived of. [BLA 2006, Section 104.]

¹⁰² A worker is entitled to enjoy 10 days of casual leave every year, 14 days of sick leave, annual leave (one day for every eighteen days of work), and 11 days of festival leave. [BLA 2006, Section 115, 116, 117 & 118]

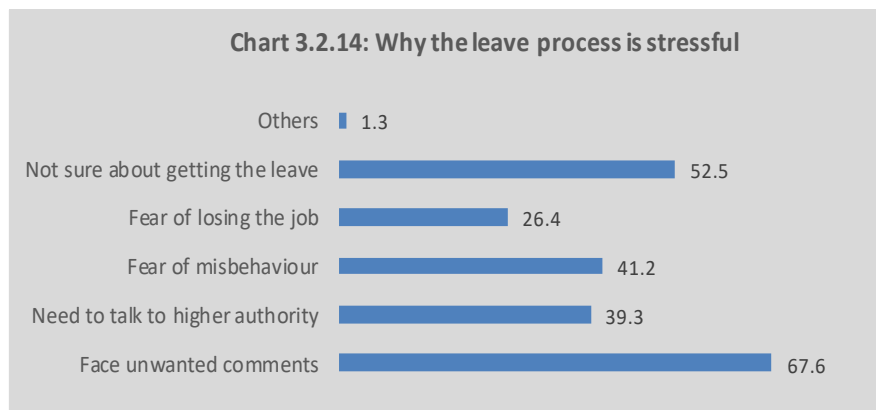
The process of applying for leave and its approval is not a simple and easy process always. Instead, it is complicated, cumbersome and stressful for many workers of the workers. FGD participants inform: *We need to go to several persons to get our leave granted. Supervisor, line chief, in-charge, PM usually gradually approve the leave and we need to go to each of them one after another. Sometimes permission of GM is required. Getting a leave is not so easy in garments factory.* (FGD, Mirpur and Gazipur).



Under the worker survey, the most extensive section (47.2%) of respondents have claimed that they apply to the supervisor for leave, followed by floor in-charge (20.3%). Among the remaining respondents, 12.8% apply to line-chief, and 8.2% to the PM. The process of leave application is not formal, and workers themselves do not fill-up any leave form. They place their demand for the leave orally. However, the overall process of leave application is stressful for most workers. Only 18.9% of workers inform that they do not feel stressed while they apply for leave.



There are several reasons why workers consider the process as a source of mental stress for them. Two-thirds of the respondents often face unwanted comments when they ask for leave. Uncertainty of whether the authority will approve it is also why workers feel stressed (52.5%). Power relations also play a significant role in this regard. About four of every ten workers perceive that talking before the authority is always stressful. A kind of 'fear' is also a determining factor of stress. Many workers (41.2%) fear that they would face misbehaviour from the authority when they want the leave. Significant others (26.4%) have further informed about workers' fear of losing the job when they ask for any leave. *It is hazardous to pray for leave. Supervisor does not cooperate at all, moreover, everyone faces*

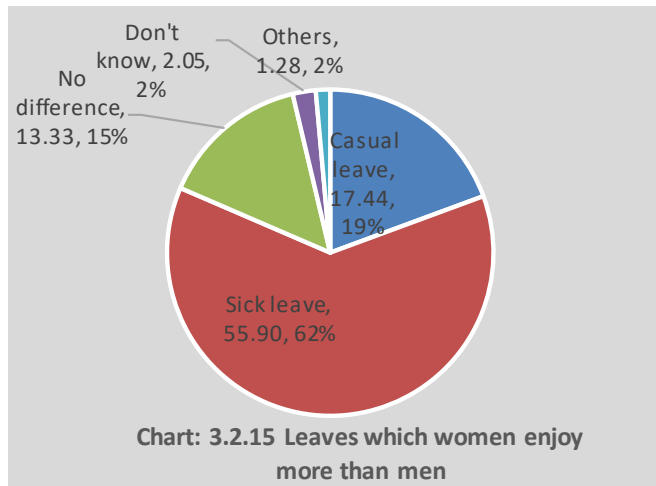


offensive comments most of the time when they apply for leave. There is a complex process for getting leave, first Supervisor, then line chief and then Production Manager. It is a long process, and everyone has a non-cooperative attitude. (FGD, Narayanjanj). *We always face a very complicated and bad*

situation for getting leave, and for this reason, we try to avoid leave; instead, many prefer to remain absent. (FGD, Gazipur)

Men and women workers mostly (91.3%) enjoy equal opportunity for leave enjoyment. A disparity has been reported by only 8% of workers, where 6.1% claim that men get the chance more, and 1.8% informs that women get more chance than men.

All leaves are not equally enjoyed by men and women workers. The workers have reported gender variation. The majority (55.9%) of the respondents claim that the women workers take sick leave at a higher rate than the men workers. 17.4% have talked about casual leave that women workers have more. A small proportion (13.3%) of workers claims no difference in this regard.



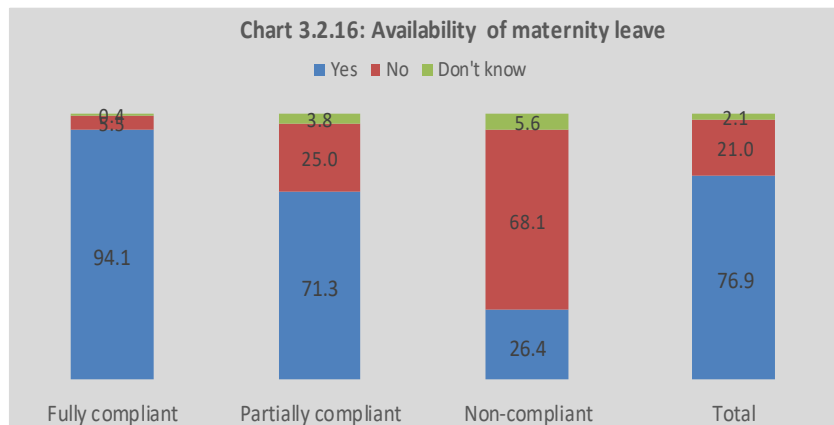
Satisfaction level among the workers regarding the practice of leave is not the same. 42.8% of respondents are fully satisfied, 40.3% are somewhat satisfied, and 16.9% are not satisfied at all.

Maternity leave

Maternity leave is not provided in all factories. Even if leave is provided, the legal provisions¹⁰³ are not entirely followed in many factories. The situation has remained almost same in comparison with the condition existing in 2017¹⁰⁴. In study 76.9% of respondents have informed that women workers at their respective factories get maternity leave. However, 68%, among them, have claimed that 4-months leave, which is the legal requirement, is not granted. Therefore, the legal provision regarding the length of leave is not followed in the opinion of 32% respondents.

Availability of maternity leave is somewhat similar in knit and woven factories; 78.8% and 71% respondents respectively have

mentioned the availability. The proportion of respondents claiming the same from composite factories is higher (92.2%). On the other hand, significant variation has been explored based on the compliance categories. Fully compliant factories provide maternity leave at a higher level (94.1%) than the partially compliant (71.3%) and non-compliant (26.4%) factories.



¹⁰³ No employer shall knowingly employ a woman in his establishment during the eight weeks immediately following the day of her delivery; every woman employed in an establishment shall be entitled to and her employer shall be liable for, the payment of maternity benefit in respect of the period of eight weeks preceding the expected day of her delivery and eight weeks immediately following the day of her delivery. [BLA 2006, Section 45& 46]

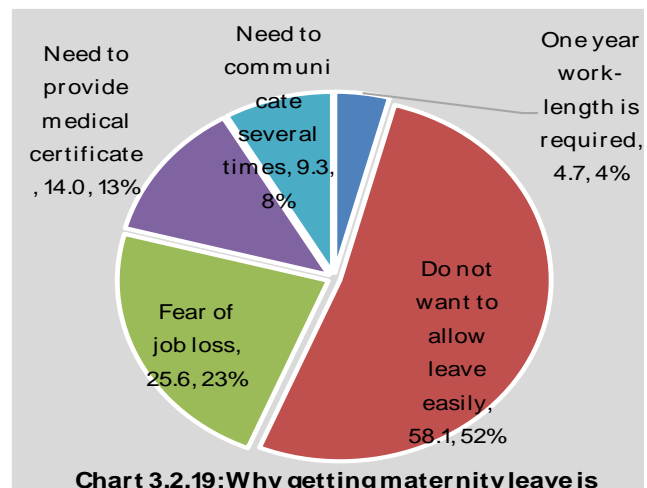
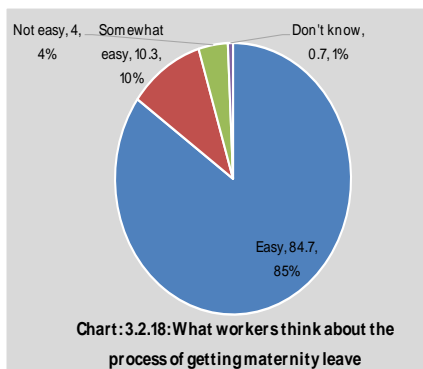
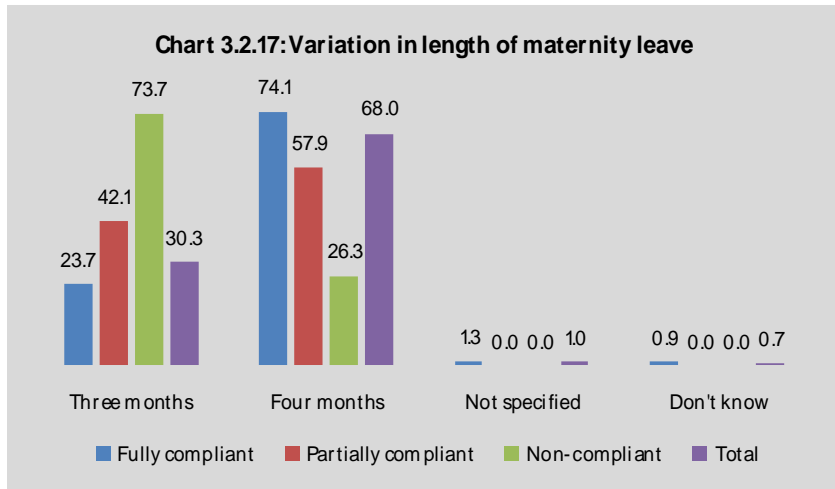
¹⁰⁴ 78% respondents claimed that maternity leave was given to workers, and around two-thirds respondents' workplaces implemented the provision of four-months maternity leave. [Watch Report, January 2018]

Regarding the length of maternity leave variations among the knit, woven and composite factories are not remarkable. Compliance categories exhibit the difference where four months leave is more prevalent in fully compliant than partially and non-compliant factories. Therefore, compliance makes differences in the practice of maternity leave.

Maternity leave is not paid always. About one-thirds respondents do not get four months leave with pay. 286 of 300 respondents informed that employers provide paid maternity leave. 67.8% of them claimed four months of leave with pay, similar to the condition in 2017¹⁰⁵. The rests (39%) of the respondents are either unaware or claimed that their factories provide paid leave below the legal limit.

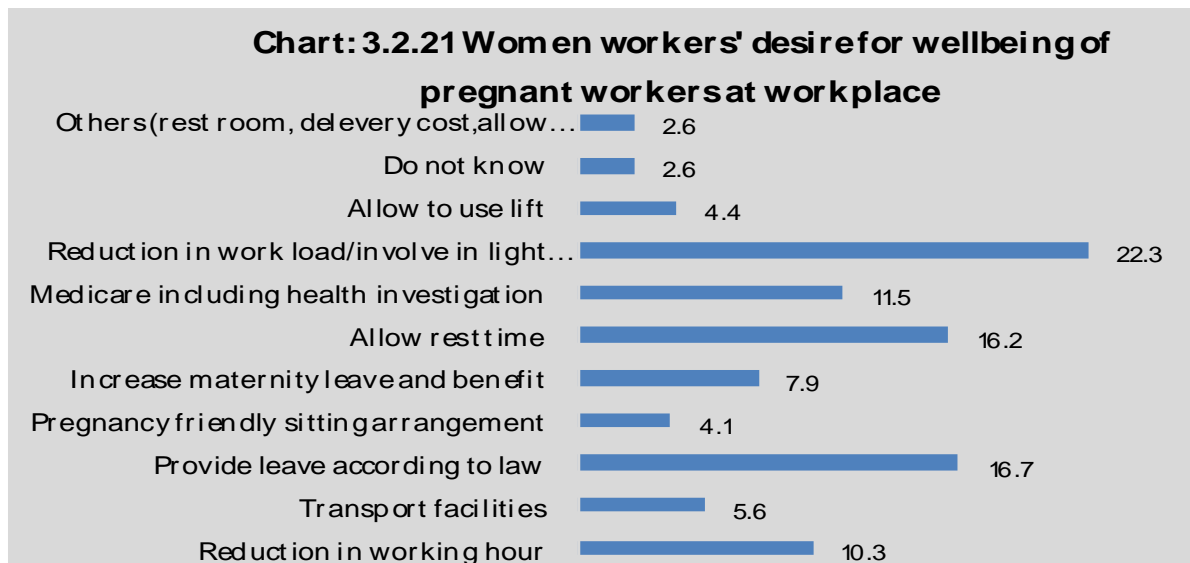
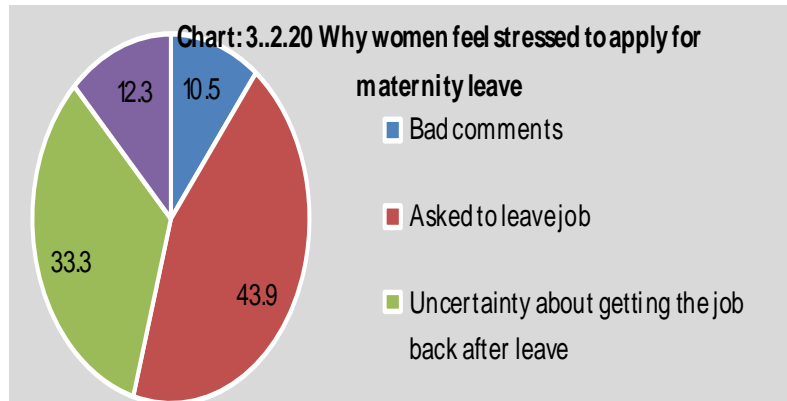
The payment is made while they are on leave. Besides, the largest section informs that they get half of the amount before starting the leave and the remaining amount after the end of the leave period.

The process of getting maternity leave is easy. Most of the workers (84.7%) have claimed that they do not face any difficulty. 10.3% workers consider the process somewhat easy and to 4% workers the process is not easy. They, who consider it somewhat easy and not easy, have further informed several issues that create difficulties/problems for them. However, most of them have talked about the authority's attitude. They usually do not want to allow the leave easily (58.1%). Consequently, workers need to communicate authority several times to get leave (9.3%). Some workers (14.0%) consider that providing medical certificates to get the leave is a problem for them. Further, the fear of losing the job is also a difficulty for many workers (25.6%).



¹⁰⁵ 67.0 percent women workers get wage for four months. [Watch Report, January 2018]

Two-thirds of the respondents have noticed that workers usually do not feel stressed to apply for the maternity leave. About 15% of workers have informed applying for the maternity leave is stressful for the workers. Nevertheless, 2 of every ten workers lack awareness in this regard. The reasons why the application process for maternity leave is stressful is diverse. The most significant one is that women workers asked to leave the job (43.9%) when they apply for the leave, which is a clear violation of law¹⁰⁶. Many workers are not sure whether they would get the leave which also creates stress (33.3%). Some others (10.5%) consider the process stressful since women sometimes receive nasty comments from the management personnel when applying for maternity leave.



Two-thirds (66.4%) of the respondents do not know whether women workers face difficulty to join the factory after the maternity leave period. The lack of awareness among the workers is also remarkable. One of every four workers (25.4%) does not know whether women face any difficulty. In contrast, 8.2% have talked about several difficulties among which job loss is the most significant one, 27 of 32 respondents (84.3%) have mentioned this issue. Other difficulties include lack of daycare, the requirement to submit a medical certificate, appointment as a new worker, and lack of benefit/support.

Out of 390 respondents, 108 were eligible to maternity leave at any point of their working life at RMG sector. Most of them (86.1%) got the leave. In contrary, 12% were not provided with maternity leave.

¹⁰⁶ *Restriction on termination of employment of a woman in certain cases:* If any notice or order of discharge, dismissal, removal or termination of employment is given by an employer to a woman within a period of six months before and eight weeks after her delivery and such notice or order is given without sufficient cause, she will not be deprived of any maternity benefit to which she would have become entitled. [BLA 2006, Section 50]

The majority (54.9%) of workers have informed that women workers get some special attention/treatment during pregnancy. The facilities/ measures taken for the pregnant workers include a reduction in workload (47.7%), comfortable sitting arrangement (24.1%), allowing them to walk for a while (14.9%), and an increase in rest time (21%). In contrast, 36.9% of respondents have mentioned the absence of any such measures at their respective workplaces. FGD participants overwhelmingly claim that many of the facilities are arranged by the coworkers, not by the factory authorities.

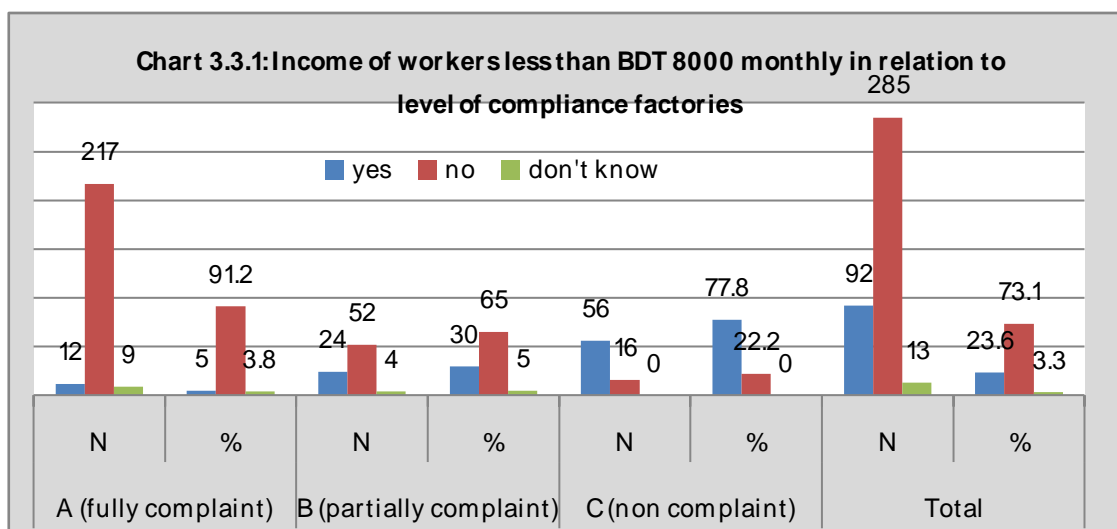
Workers have further mentioned several requirements that could make the workplace pregnant worker-friendly. A reduction in workload and daily working hours and an increase in rest period are commonly desired steps. Further, medicare arrangement including regular health checkup/investigation, pregnant women-friendly sitting arrangement, special transport for pregnant workers, and allowing them to use lift are desired steps of the women workers.

3.3 Wages and Benefits

Minimum Wages

Garment workers' wages is determined according to the seven-grade wage structure declared by 'Minimum Wage Board' in 2006. The seventh grade is the wage for entry-level workers containing the minimum wage for the sector, which currently is BDT 8000.

It is mandatory for employers to pay workers at a rate of wages declared or published.¹⁰⁷ The present survey found that violation of minimum wage provision is apparent in RMG industries. Though most workers are now getting the minimum wage, it is not sufficient for maintaining a minimum standard in present inflation/price hike context (FGD, Tongi). A significant number of respondents further do not get minimum wages declared for 7th grade employees. Compliance has been a determining factor in this regard. More than three-fourth workers of non-compliance factories do not get the minimum wages declared by government for this sector. But gender variation is not prominent regarding to get minimum wage. About 60 percent workers of present survey said that there is no variation in getting minimum wage. One of every four workers further reported rate is higher among women among them who get less than BDT 8000 as monthly wage.

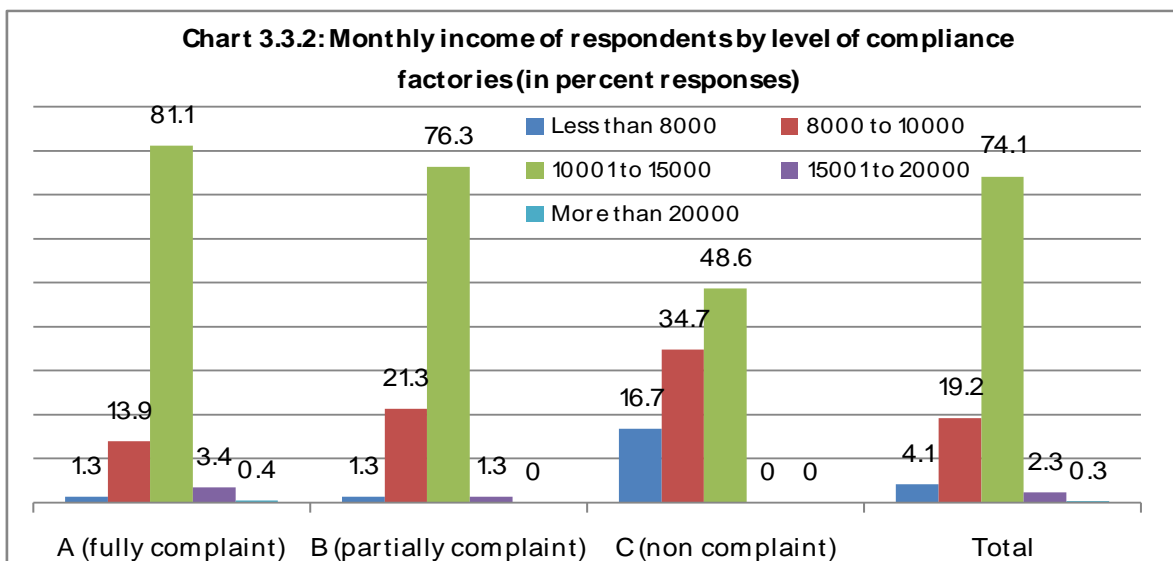


Source: Field Survey December 2020

¹⁰⁷ BLLA, Section 147.

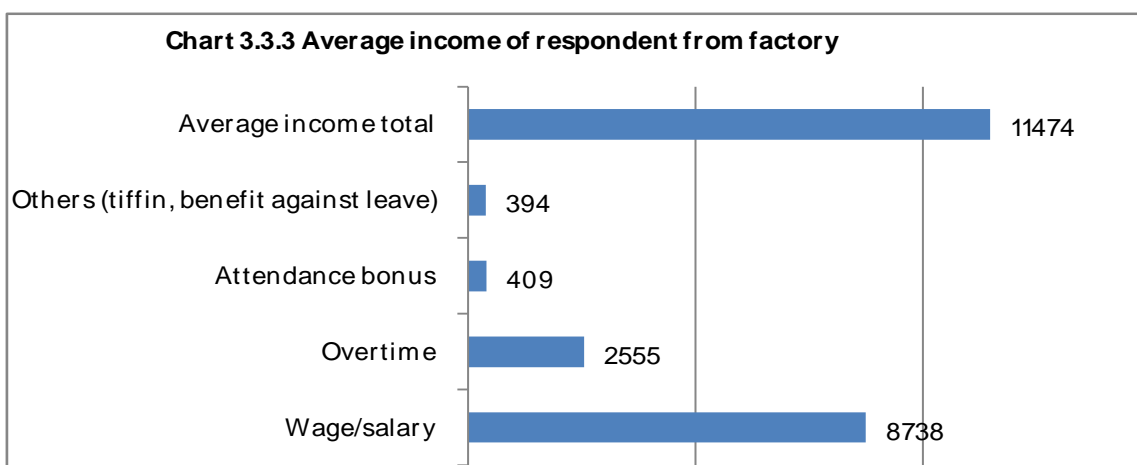
Workers' monthly income

The study found that majority of the RMG workers earn more than minimum wage declared for workers. About three fourth of respondents' monthly income is in the ranges of BDT10001 to 15000, followed by (19%) in the range of BDT 8000 to 10000 (Chart 3.3.2). The scenario is almost similar irrespective to level of compliance.



Source: Field Survey December 2020

On average workers received BDT 11774 as a monthly wage including overtime, attendance bonus and other allowances e.g. allowance for tiffin, and benefit against leave, in which the average income from overtime works is BDT 2555 (Chart 3.3.3).



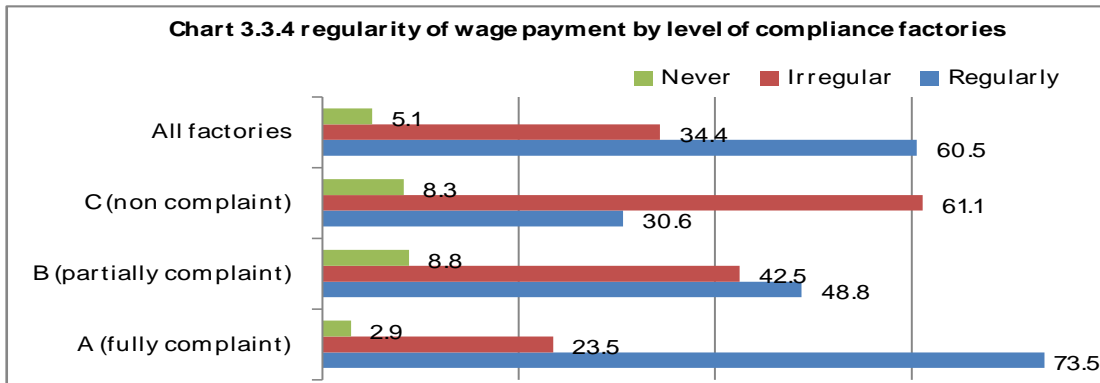
Source: Field Survey December 2020

Regularity of Wage payment

The Law includes the provision that the period of wages must not exceed thirty days, and wages should be paid within the expiry of seven working days after the last day of wage period. The law has made obligatory for employers to provide all remuneration on a regular and timely manner.¹⁰⁸ The law provision regarding wage payment is mostly implemented in RMG sector. The survey

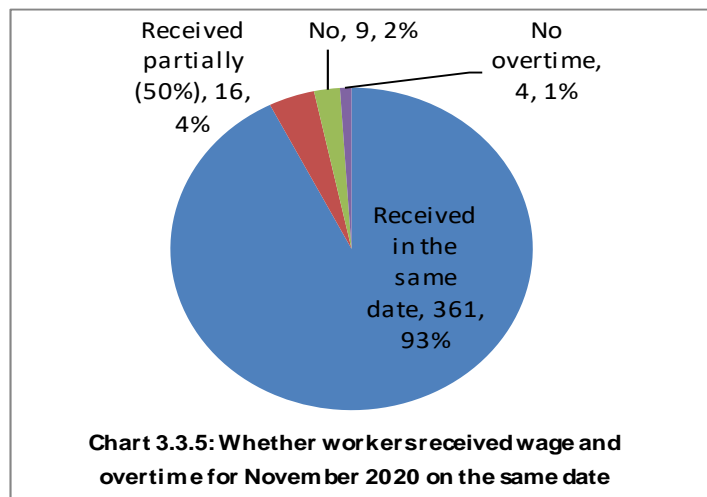
¹⁰⁸ BLA 2006, Section123.

findings depict that majority of the workers received the wages on regular basis. Difference is evident based on the complacence level. Irregular payment is mostly available in non-compliance factories (69%) (Chart 3.3.4).



Source: Field Survey December 2020

The present study found that the highest number of workers (63%) has received the salary of November 2020 within 10 December followed by (30 %) from 11 to 15 December. The majority of fully compliant factories (75%) follow the law provision relating to wage payment properly, but the violation of law provision is evident in the non-complaint factories. Almost all the factories provide wage and overtime on the same day. About 93 percent respondents have confirmed about receiving wage and overtime amount of November in the same day.



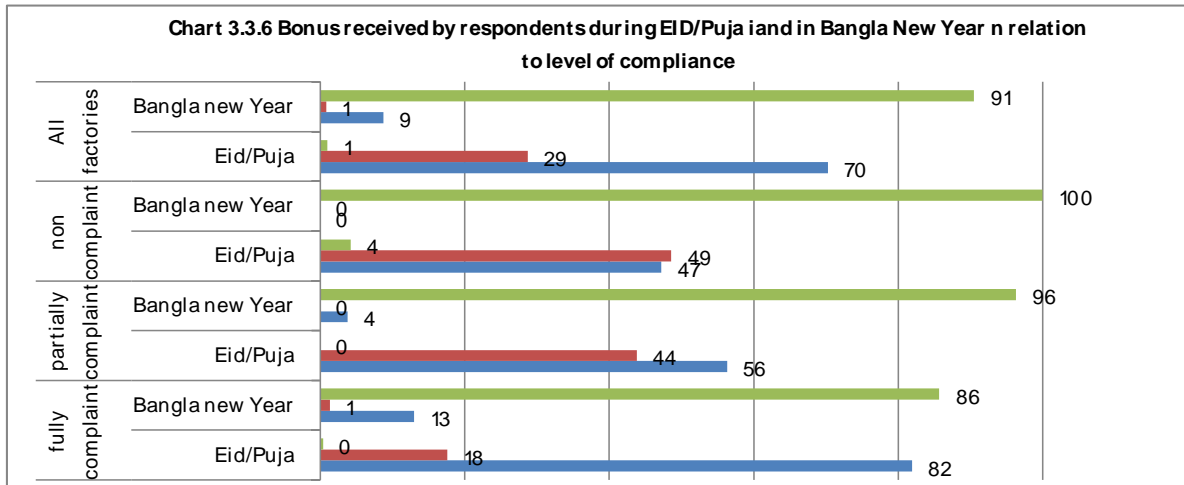
Challenges faced by women workers in receiving wages

The women RMG workers do not face any difficulties in receiving wages.

Almost all the respondents of present factories informed that they do not face any problem in this case. Only a small proportion of workers (2% in each case) mentioned that delay in getting monthly wage and benefits, and getting less amount/ partial wage benefits are the challenges they faced in receiving wages.

Bonus

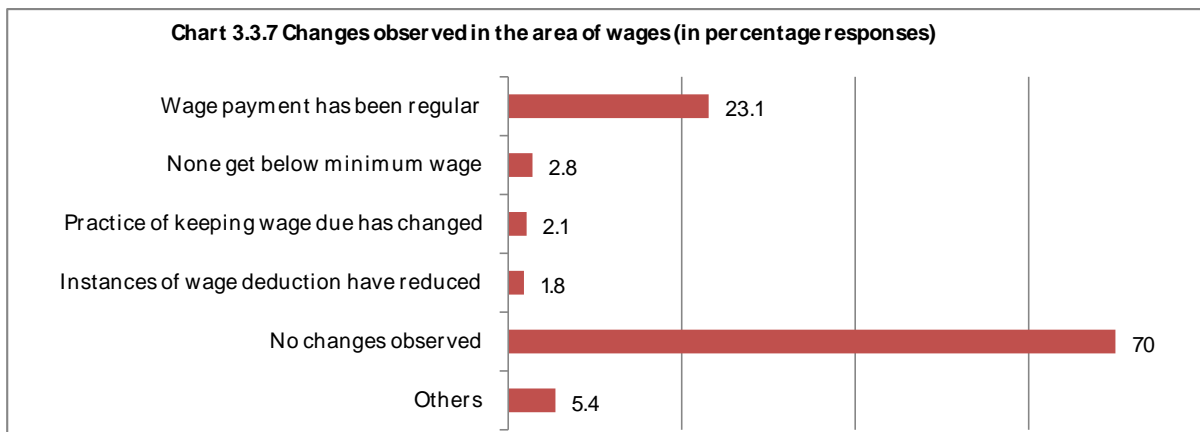
The most common wage related benefit provided to the garment workers is the festival bonus. Though majority of garments workers received bonus for EID/Puja, they hardly get the bonus during *Bangla Noboborsho*. A highest number of survey respondents (70%) said, all the RMG workers get the benefit during Eid/Puja. However, some workers claimed that the worker work for six months (10%) and the worker work for one year (18%) in the present factory get bonus. Regarding receiving bonus for *Bangla Noboborsho*, 91 percent respondent confirmed about not getting bonus during. There is no difference even based on the compliance level (Chart 3.3.7).



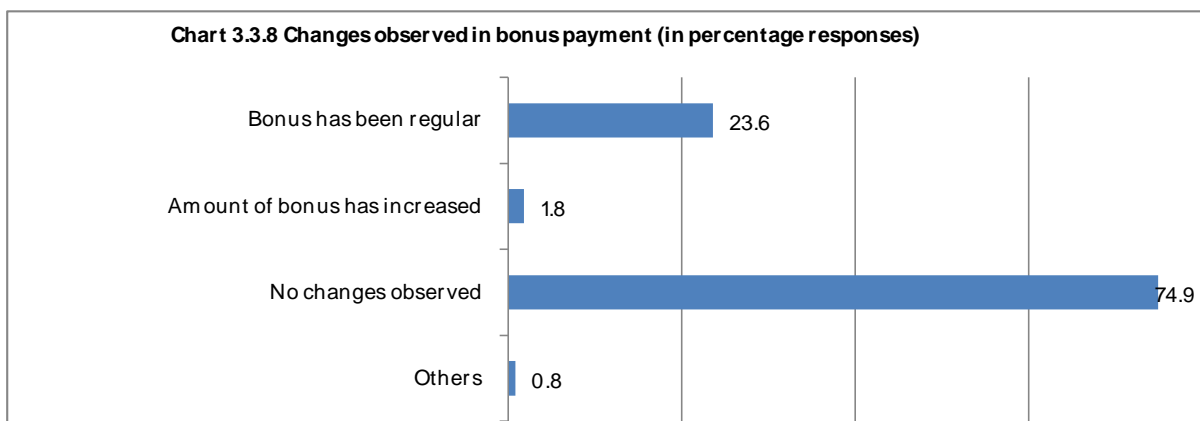
Source: Field Survey December 2020

Changes observed in the area of wages and bonus in recent years

Beyond the Covid-19 related impact, no major changes have been observed in the area of wages (70%) and bonus (75%) in the recent years. Regarding wage payment 23% and 3% respondents informed that wage payment has been regular, and no workers receive wage below minimum wage. Regarding bonus 24% workers reported about changes that bonus has been regular followed by 2% said the amount has increased.



Source: Field Survey December 2020



Source: Field Survey December 2020

However, during the Covid-19 period, the wage and benefits have been affected in several ways. 93.4% of workers' wage reduced to 50-65%, and 10.38% faced reduction in overtime money. Besides, there were instances of wage due for 2-4 months, delayed payment, and a reduction in bonus.

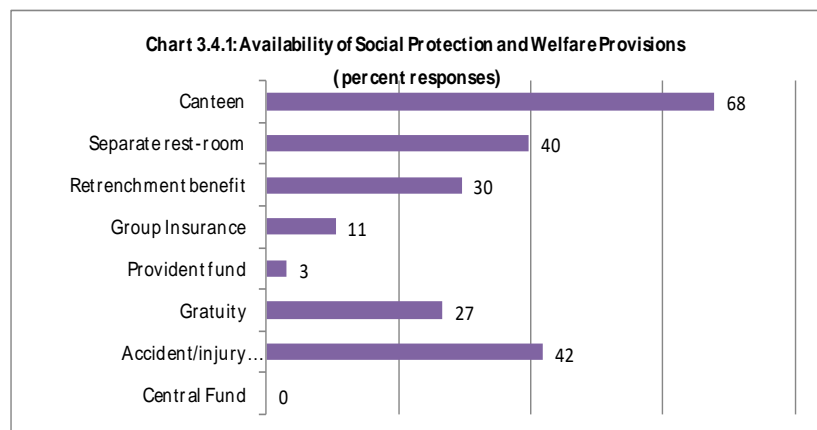
3.4 Welfare and Social Protection Measures

Availability of Social Protection and Welfare Provisions

According to the BLA 2006 workers are entitled to several facilities including canteen, separate rest-room, retrenchment benefit, group Insurance, provident fund, gratuity, accident/injury compensation, and access to central fund. As per the legal provisions, in every establishment adequate and suitable facilities for washing and bathing shall be provided and maintained for the use of the workers therein; separate and adequately screened facilities shall be provided for the use of male and female workers; In every establishment wherein more than one hundred workers are ordinarily employed, there shall be provided adequate number of canteens for the use of the workers; In every establishment, wherein forty or more workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women; In the establishments wherein more than 25 female workers are employed, separate rest rooms are to be maintained and in establishment wherein less

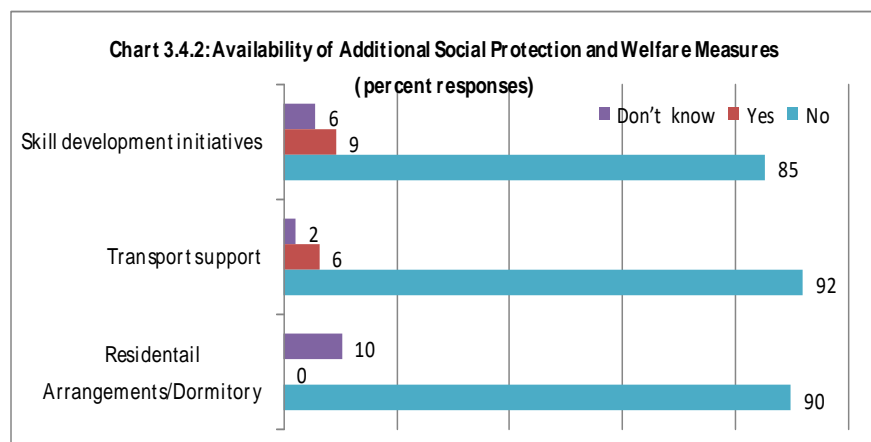
than 25 female workers are employed, separate and adequate spaces with screen shall be provided; If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation; An establishment in the private sector may constitute for the benefits of its worker a provident fund.¹⁰⁹

The availability of services and facilities reveal that none of these facilities was available in 100% factories. The situations are worst for provident fund and access to central fund, only 3% respondents' employers made provident fund available for workers while none of the workers claimed to



Source: Field Survey December 2020

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¹⁰⁹ BLA 2006, Section 91-94, 150& 264]
Watch Report: Rights Implementation Status

know that they have any access to central fund. Respondents either claimed to have no existence of such fund (47%) or unaware of the fund (53% of respondents). A slightly better availability of the social protection and welfare provisions are canteen (68%), accident/ injury compensation (42%), and separate rest-room (40%).

Implications of Non-existence of Social Protection Measures

The canteen facility is non-existence in 32% of factories, 28% respondents claimed to have no existence of canteen in their workplace, while 4% of respondents are not aware of having such facility in their workplaces. The implication of the non-existence of canteen facility is that workers have to take food at different places of the factory floor like at the working place, roof top, at or under the stairs. Workers also claimed that non-existence of the facilities often lead them difficulty finding a suitable place for lunch and rest. Rest periods are often spoiled wandering around, and limited space delay taking their meal, and as such feel rushed to work despite having adequate time for lunch break.

The non-availability of separate rest-room has consequences to workers well-being and work productivity. The non-availability of separate rest-room has been claimed by around 60% of the respondents (53% claimed to have no existence and 7% are unaware). This leads worker to take rest in the corner of working floor, on the stair, or in the prayer room, and uneasiness, and the not availing proper rest during the prescribed rest period ultimately leads to productivity loss. Workers claimed to have difficulties fulfilling work target of the day, as a result of poor rest in between long work-hours.

Out of 390 workers 115 workers responded that their factories provide retrenchment benefits. However, 46% of the respondents claim that all benefits are provided, 17% claimed part of benefits are given. 21% of them claimed that only the last month's wage is given as retrenchment benefit, while the rest 15% of the respondents said that retrenchment payment is either delayed, not provided on a timely manner. Only 42% workers have informed that their factories provide accident/injury compensation meaning that majority workers are deprived of this protection. Even where the compensation is given that does not follow the principles set in the Employment Injury Benefits Convention, 1964 (No. 121). Workers get a lump sum amount and largely depend on the loan/debt for the recovery (KII)

Additional facilities provided

Employers mostly have not introduced additional facilities for the workers. Only 15% have reported initiation of additional facilities which includes skills development initiatives (9%), transport facilities (6%). The 24 respondents who reported availability of transport facilities considered the service to be in good condition, although one respondent did not like the facility while two other respondents raised the issue of payment for transportation and thought the service should have been provided free of cost. Out of the 390 respondents none reported availability of residential arrangements for workers or any other additional facilities beyond the provisions ascribed by labour laws.

3.5 Women-friendly Work Environment

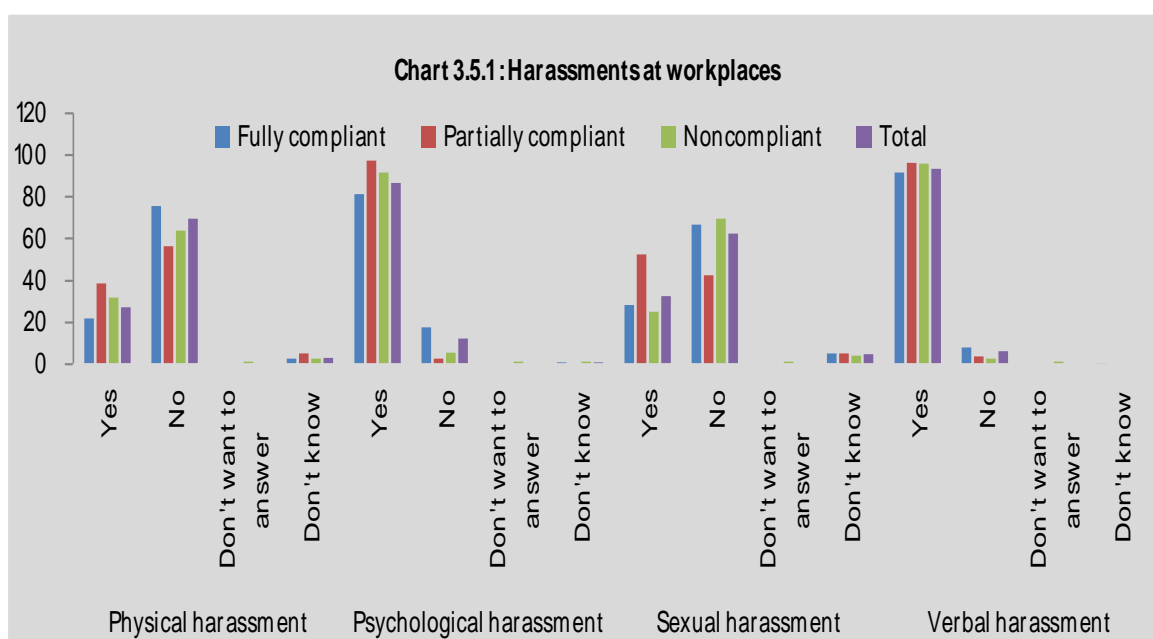
Harassment and Violence

The issue workplace harassment¹¹⁰ now has been a great concern for the women workers of RMG. Various types of harassments occur at their workplaces. The nature of harassments includes physical, psychological, sexual, and verbal. Among these harassments, verbal harassment is the

¹¹⁰ BLA 2006 does not have any specific provision on sexual and other types of harassment. However, the Act, in section 332, states that where any female worker is employed in any work of the establishment, irrespective of her rank or status, no one of that establishment shall be have with the female worker which may seem to be indecent or repugnant to the modesty or honour of the female worker.

most common one which the workers face now and then (93%). Psychological harassments are also very common for workers. 86.7% of respondents have reported the presence of this harassment at their workplaces. Workers are harassed sexually according to the opinion of 32.6% of respondents. Besides, 27.2% of respondents have noticed the existence of physical harassments at their workplaces. Please note, for each type of harassment deterioration has been evident in comparison to the situation of 2017.¹¹¹

The compliance level of the factories does not make a big difference in the areas of verbal harassment. For other types of harassments, prevalence is comparatively more in partially compliant factories than the fully compliant and non-compliant workplace.



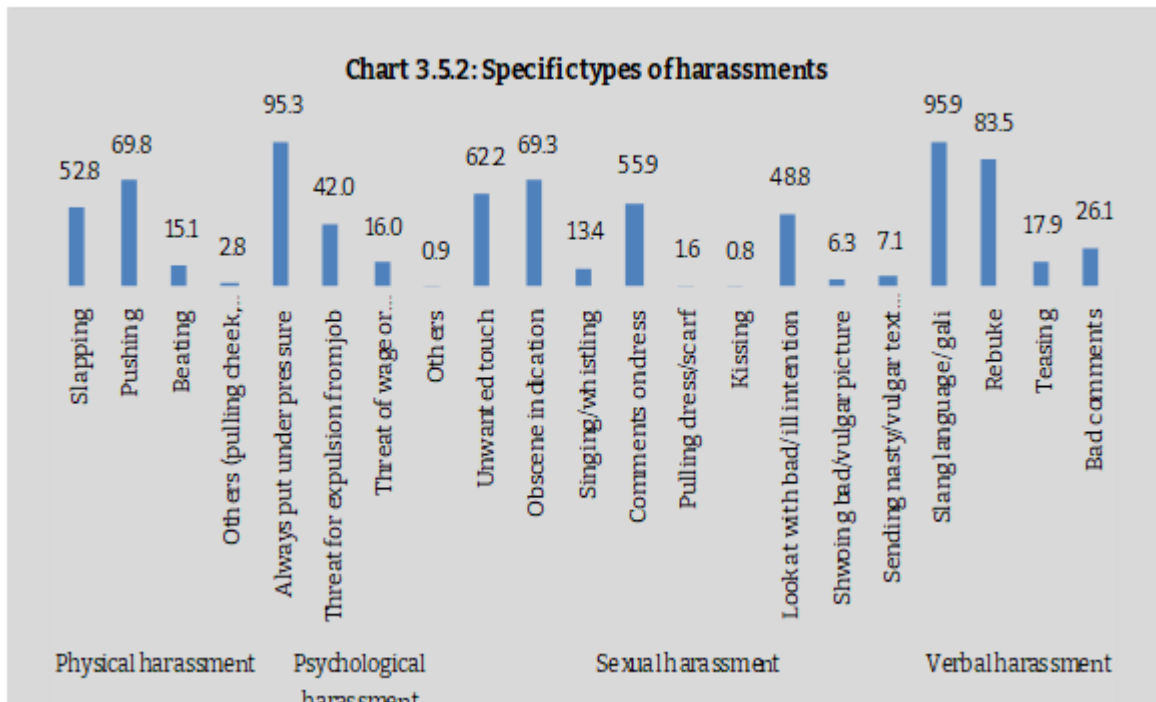
Source: Field Survey December 2020

Each of these types of harassments has again different forms. The common forms of verbal harassment include the use of slang language (gali) and rebuking. 95.9% and 83.5% respondents, among those who have reported verbal harassments, claim that they face these now and then. A little more than one-quarter (26.1%) of them have also talked about 'bad comments' and 17.9% about teasing which management personnel pass on them (FGD Dhaka). Under psychological harassment, the most common form is keeping workers under pressure (95.3%). The threat for expulsion from the job also creates psychological stress among workers (42.0%). Workers also feel stressed when they are threatened that their wage or attendance allowance will be cut down (16%).

Workers have reported the presence of a wide variety of sexual abuse/harassments. However, the most common one (69.3%) is the "obscene indication". Many women workers often experience "unwanted touching" in their body (62.2%), and even they are to listen to 'bad comments' concerning their outfits (55.9%). Many workers also claim that in the way/manner many persons look at them is also abusive (48.8%). 13.4% of respondents consider singing/whistling as a form of sexual abuse that the workers often face (FGD Dhaka). Besides, although few, there are instances that women workers are shown bad/vulgar pictures (6.3%) and sent with nasty/vulgar text message (7.1%). "Sometimes line-chief and supervisors ask for workers' personal mobile phone number to call them very personally which is one sort of sexual harassment"- informs a FGD participant in Narayanganj. On the other hand, the common forms of physical harassment include pushing (69%),

¹¹¹ Prevalence of verbal, psychological, sexual, and physical harassment was reported by 84.7%, 71.3%, 12.7%, and 20% respondents respectively. [Watch Report, January 2018]

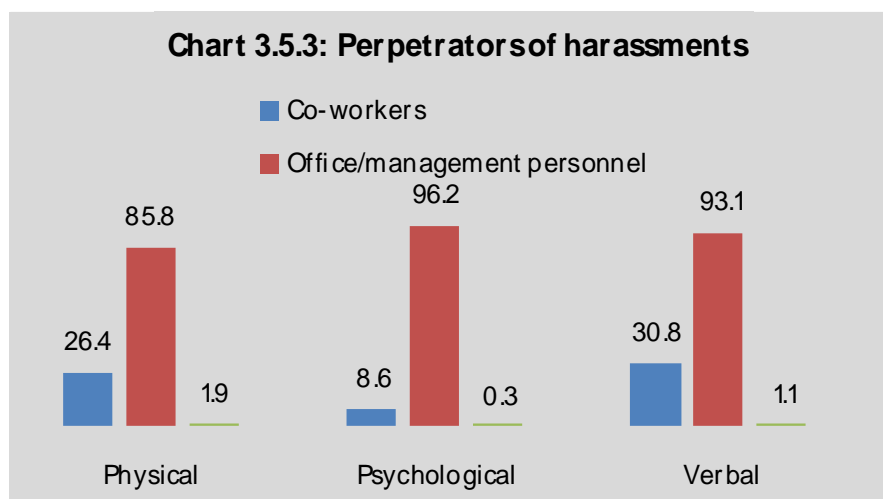
slapping (52.8%), and even beating (15.1%). Some FGD participants have talked about a 'chain of physical assault' in factory the ultimate victim of which is the women workers. They describe: *In few garments, sometimes GM physically assaults PM, PM assaults Line Chief and Line chief finally physically assaults workers specially the female workers.* (FGD, Dhaka).



Source: Field Survey December 2020

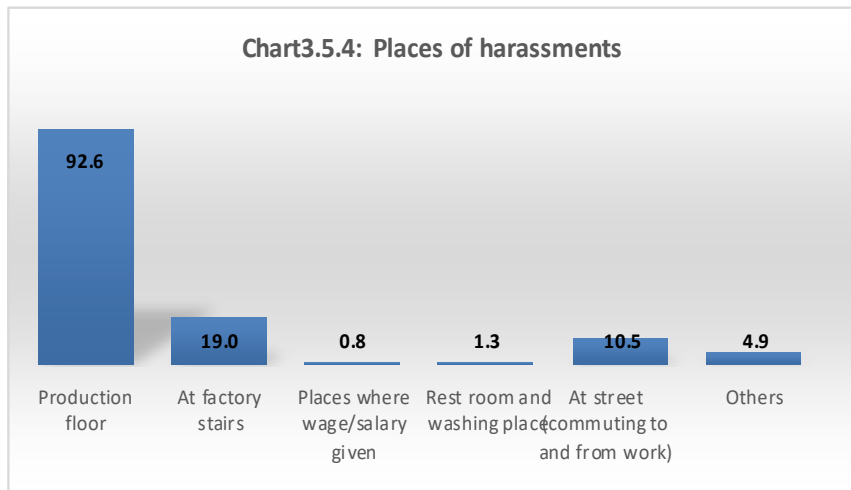
Perpetrators of harassment: In verbal, psychological and physical harassments, office/management personnel are the main perpetrator. 93.1%, 96.2% and 85.8% respondents respectively have informed that they are harassed by different management personnel including supervisor, line-chief, the floor in charge, and even PM and GM. Perpetrators, in the case of sexual harassment, are both management personnel and coworkers. Along with the office personnel (63.8%), coworkers also harass them sexually according to 61.4% of workers.

Personal experience: Regarding the personal experience of harassment, 36.4% of respondents informed that they had gone through the experience. Most of them (84.5%) had experienced verbal abuse. A few respondents, in each case, faced physical (4.2%), psychological (9.2%), and sexual (4.9%) harassment.



Places of harassment: ILO C 190 has identified several places/locations where violence and harassments occur in the world of work.¹¹²In case of RMG, the production floor is the place where

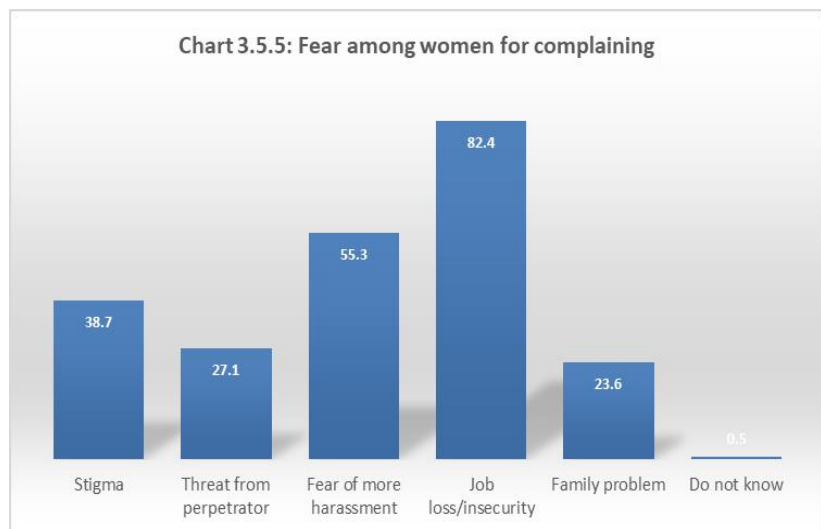
most harassment takes place. 92.6% of the respondents have informed that workers undergo harassments at places where they work, mainly at the production floor. Stairs of the factories are also not a safe place. About two of every ten respondents have mentioned the stairs where workers become the victim. Besides, 10.5% have noticed streets as the place of harassment of the workers.



Gender variation in harassment: Harassments take place discriminately for the women workers. According to the majority (54.6%) of respondents, the harassment occurrence rate is more for women than men. 42.3% of respondents perceive the harassment rate equal for men and women.

Where workers complain against harassments: There are different places where workers complain about harassments. The PC committee (26.2%) and welfare office (23.3%) are important places. Instances of reporting to the anti-harassment committee¹¹³ are not remarkable. The unavailability of this committee in most workplaces is the reason in this regard.

Many workers (34.4%) avoid any formal channel and complain individually/personally in an informal way to the management personnel, including the production manager, GM, supervisor, floor in charge and line chief. Few workers are unaware of where workers complain to in case of harassments.



¹¹² This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) through work-related communications, including those enabled by information and communication technologies; (e) in employer-provided accommodation; and (f) when commuting to and from work.

¹¹³ In 2009, the High Court Division directed the concerned authorities to form anti-harassment committee at every workplace and institution to investigate allegations of harassment of women.

A few (5.9%) respondents inform that workers do not complain about the harassments committed against them. 'Fear' of different nature prevents them from complaining according to the majority. However, the most dominant (82.4%) is the job insecurity (fear of job loss). Many workers do not complain because they are afraid of being harassed more (55.3%) if they complain and many faces the threat of the perpetrators (27.1%). Fear also includes the possibility of being stigmatized socially (38.7%) and trouble in family relations (23.6%).

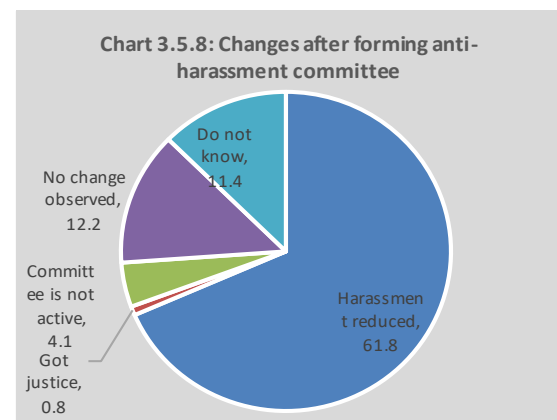
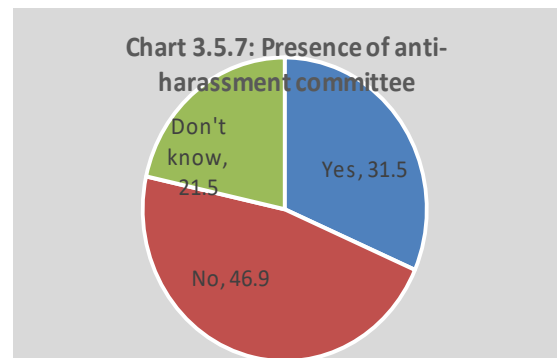
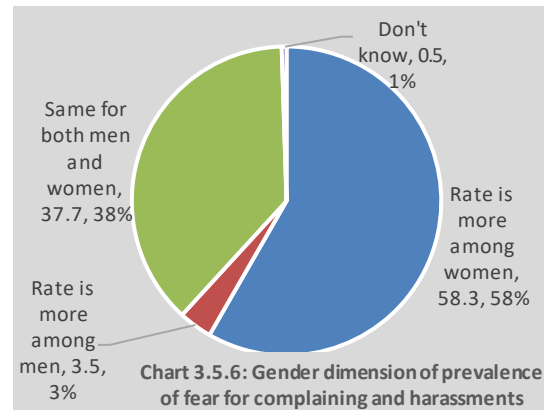
Gender variation concerning these fears is remarkable. About six of every ten respondents claim that prevalence of fear is more among the women workers. Level/prevalence of the fear is the same/equal for both men and women according to 37.7% respondents.

Anti-harassment committees: Anti-harassment committees¹¹⁴ are absent in most workplaces, and many women workers lack awareness. Less than one-third (31.5%) respondents have claimed the presence of this committee. Nevertheless, 21.5% do not know whether the committee exists.

One-quarter of the respondents do not know who is the head of the anti-harassment committee, a man or a woman. A woman is the head of this committee according to 60.2% of respondents. In contrary, 13.3% of respondents claim that a man holds the position of the head, which is a clear violation of the directives of the High Court¹¹⁵.

Opinion on the outcomes of the committee is mixed. Although the majority claimed that harassment has reduced after forming the committee, some have claimed the ineffectiveness. 12.2% respondents inform that the committee could not bring any change in the factory, and 4% claimed that despite have the presence the committee is not active at their workplaces.

Policy on Violence and Harassment: Regarding the 'Policy on Violence and Harassment'¹¹⁶, the largest section (46.7%) has informed that their employers have not adopted such a policy. A large number of workers are unaware (38.5%). In contrary, only 15% of respondents claimed the availability. However, not all employers consulted with worker representatives while formulating and adopting the policy. 36.2% claimed that employers did not discuss with workers' representatives, and 10.3% are not aware of this issue.



¹¹⁴ A five-member anti-harassment committee is to be formed at workplace, and majority of the committee members must be women according to the directives of the High Court in 2009.

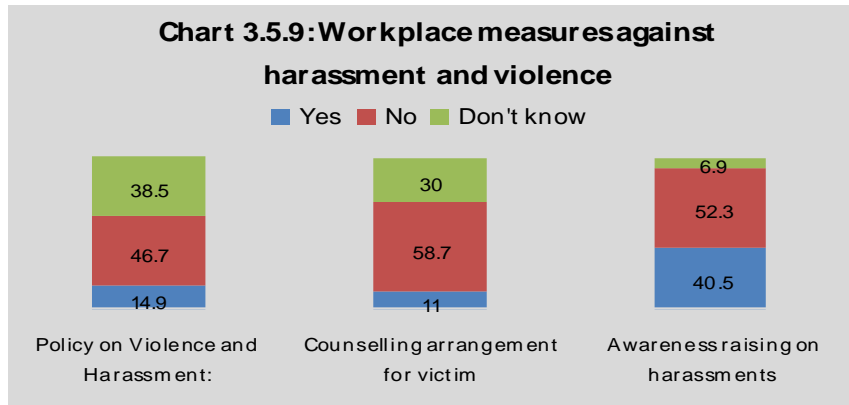
¹¹⁵ According to directives of the High Court, in 2009, the five-member harassment complaint committee must be headed by a woman.

¹¹⁶ According to ILO C 190, employers are required to take appropriate steps to adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment. [Article 9]

Counseling arrangement for victim: Most workplaces lack an arrangement of counseling for harassment victim. Only 11% of respondents have claimed availability. Unawareness among the workers is also remarkable. Three of every ten workers do not know whether counseling facility exists.

Awareness raising: Employers initiative to aware workers on workplace harassment and violence¹¹⁷ is not remarkable. The majority (52.3%) informs that their workplaces lack any arrangement to make workers aware. The condition is worse in non-compliant factories, 75% have noticed the unavailability. 40.5% of respondents have claimed that their employers' aware them using different techniques including personal guidance (12.3%), poster/leaflet (5.64%), audio/video (2.8%). Some (18.7) have further claimed that employers arrange training/orientation. Arranging

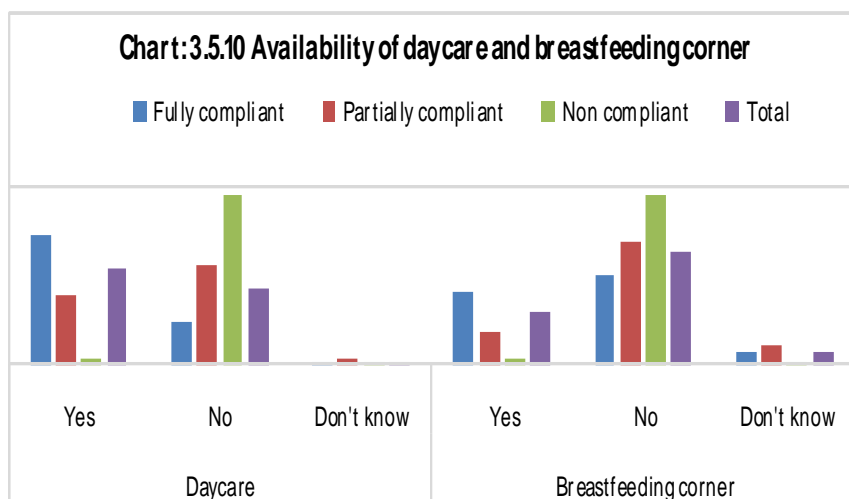
training/awareness sessions regularly after every six months is a directive of the high court. Majority of the employers do not follow the directive. Only 9% of all the respondents have claimed regular orientation/training arranged by employers, 4.36% have claimed such training yet not regular.



Those trainings have brought some outcomes, including increased awareness (10.3%), a reduction in harassment incidences (13.6%), change of behaviour of management personnel (3.8%).

Complaining against harassment: Instances of complaining against harassment are not frequent. About three-quarter respondents have not found anyone complaining. 21.5% have found the victim is complaining.

However, the outcomes of complaining were not significant/worth mentioning for all the cases. 36.9%, the largest segment, claimed that those complaining brought no results. 13.1% report about justice and 16% observed that the perpetrator lost the job. Few (8.3) also found that the harassment issue was settled through negotiation.

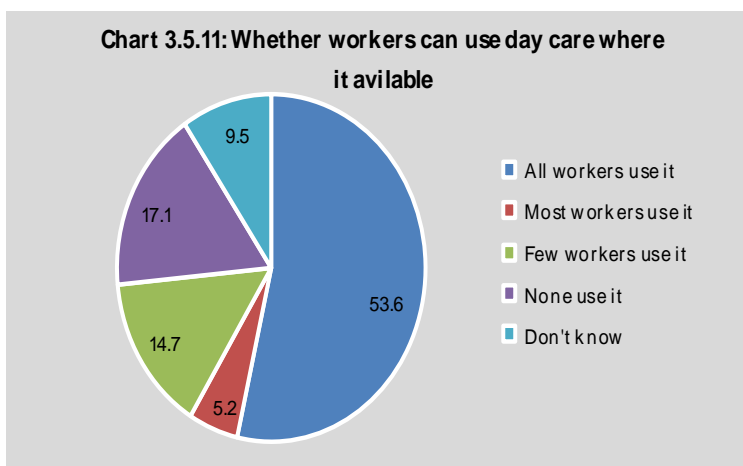


¹¹⁷ According ILO C 190, employers are required to provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures. [Article, 9]

Daycare and Breastfeeding Corner

Daycare¹¹⁸ is available at workplaces of 54.1% workers. The situation has improved since 2017, when daycare was available at 48.7 percent workers' workplaces¹¹⁹. Compliance variation is significantly observed. In fully compliant factories, the availability is 74.4%. 40% and only 2.8% of respondents from partially compliant and non-compliant factories have claimed the availability of daycare at their factories.

Not all women workers even can use the facility where it is available. 53.6% have claimed that all workers can use the facility, whereas 14.7% and 17.1% respectively have informed that few

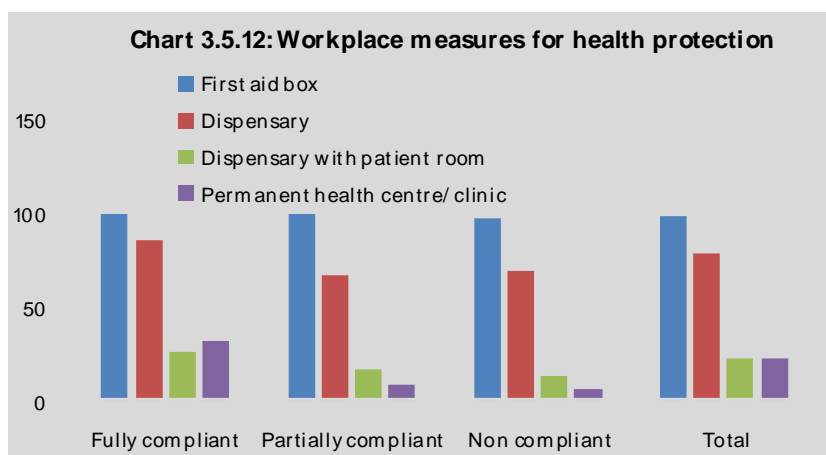


workers and none can use the daycare. There are several reasons why women cannot use it. The commonly mentioned/cited ones include factory do not ask to bring the child (28.1%), the condition of the daycare is not good (31.3%), keep baby up to six years (20.3%).

Women workers generally do not face discrimination while using daycare. 71.9% report that discrimination is not prevailing. 18% of workers are not aware of the issue. Just one of every ten

workers (10.1%) has claimed the discrimination. They have noticed that often limited number of children are allowed. Some even claimed that preference is given to the children of staffs or those who are well known to the management.

Three of every ten (29.7%) respondents have claimed that breastfeeding corner is available. A sharp decline in this facility has been observed in comparison to the situation in 2017¹²⁰. Likewise, the daycare, its presence is more in fully compliant factories (41.6%) than the partially compliant (18.8%) and noncompliant (2.8%) factories. Half of the workers (50.8%) are satisfied with the facility made available by the employers. A large number of workers (45.4%) are not satisfied.



¹¹⁸ In every establishment, wherein forty or more workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. [BLA 2006, Section 94]

¹¹⁹ Watch Report, January 2018

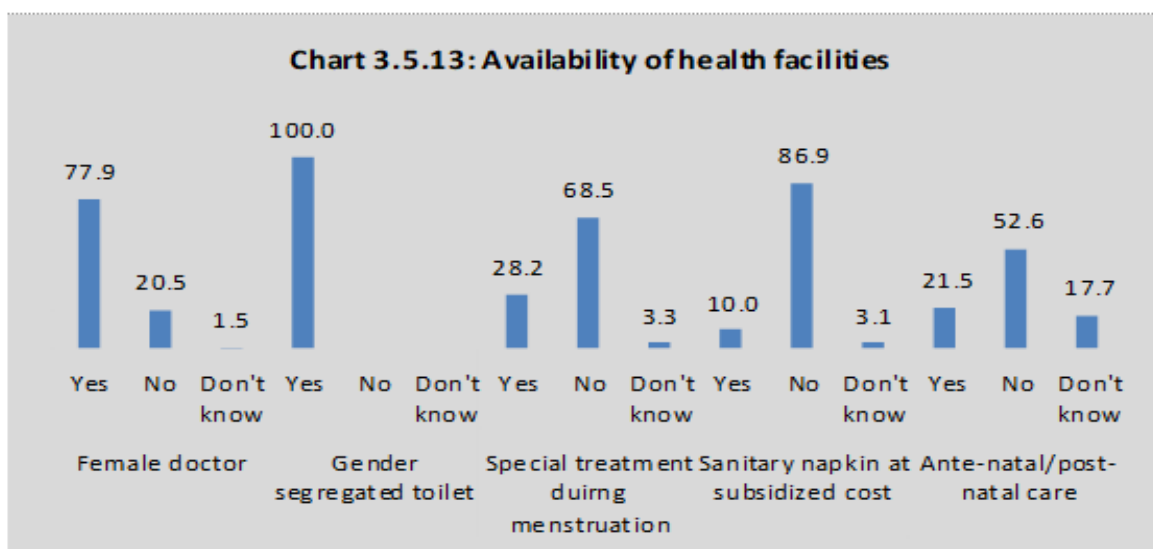
¹²⁰ With regards to arrangement for breast-feeding at workplace, 43.3 percent respondents informed that their workplaces had such arrangement. [Watch Report, January 2018]

Health Protection

BLA has several provisions on health protection of the workers¹²¹. For the health protection of the workers, several arrangements are available at a varied level. The most available facility is the first aid box (99%), followed by dispensaries (78.7%). Besides, a dispensary with a patient room and health centre/clinic is available, in each case, at workplaces of 21.5% workers. Important to note, all of these facilities are available more in fully compliant factories.

Women doctors¹²² are available at workplaces of more than three-quarter workers (77.9%). Although a positive trend has been observed in this regard¹²³, yet at 20.5% of workers workplaces lack women doctors. A positive trend has been observed in this regard.

All factories have a gender-segregated toilet. Toilets are sufficient in number for women workers according to 81.3% of workers. The rests (18.7%) consider it insufficient. Workers generally do not require seeking permission from anyone when they need to go to the toilet. Only 12 of 390 respondents (3.1%) have claimed that such permission is required from the supervisors, line-chief or in charge. They further have noticed that supervisors often do not want to give permission easily. During the FGDs participants have focused on the impact of production pressure on the toilet using pattern/ behaviour of the women workers. As they claim, instances of taking permission are not rampant. However, considering the load of work workers themselves avoid going to the toilet frequently and spending more time there (FGD, Dhaka and Narayanganj)



Special treatment/attention during menstruation: Workers generally do not get any special treatment during menstruation. Lack of awareness among few workers has also been evident. More than two-thirds (68.5%) respondents have claimed the absence of special treatment, and 3.3% do not know whether any facility is provided. In contrast, 28.2% of respondents have informed about some sorts of measure which are taken, a slight improvement since 2017¹²⁴. Among the several measures, the most commonly taken measures include leave (41.8%) and early work-break (33.6%).

¹²¹ Every establishment shall provide and maintain and make readily accessible during all working hours first-aid boxes with the contents prescribed by rules; if three hundred or more workers are ordinarily employed, there shall be a sick room with dispensary of the prescribed size, containing the prescribed equipment or similar facilities, in the charge of such medical and nursing staff as may be prescribed; and where five thousand or more workers are employed a permanent health centre shall be maintained by the employer. [BLA 2006, Section 89]

¹²² According to Bangladesh Labour Rules, at least one female Doctor must be recruited if there is a rule for recruiting more than one Physician. [BLR 78 a(iii)]

¹²³ Female doctors were available at workplace of 60.7% workers. [Watch Report, January 2018]

¹²⁴ 15.3% claimed availability of some measures. [Watch Report, January 2018]

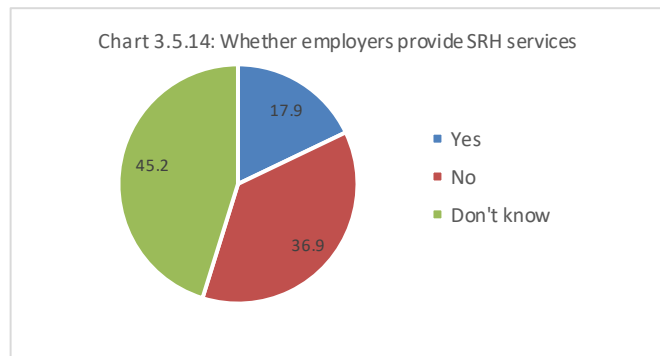
Many (44.5%) of workers have also observed factory authority providing medicine (pain killer) to the women workers. Further, a less frequent measure includes the reduction of workload (19.1%).

Providing women workers with the sanitary napkin at a subsidized cost is hardly seen. FGD participants in Narayanganj overwhelmingly claim: *"Employers do not provide any facility like leave, medical support or sanitary napkin at the time of menstrual period for female workers"*. (FGD, Gazipur).

Only one of every ten respondents have noticed the availability of such facility at their workplaces. The availability has reduced slightly since 2017¹²⁵. On the other hand, 3.1 % of respondents lack awareness in this regard.

Ante-natal and post-natal service: 21.5% of respondents claimed that factory clinics provide antenatal and postnatal services¹²⁶. The antenatal services include health checkup, mainly check-up of blood pressure. Besides, few workers have informed about medicine availability and counselling during pregnancy. Most of them (64 out of 84 respondents) perceive that these services are sufficient. Regarding the post-natal service respondents have claimed, similar to ante-natal stage, that clinics provide medicine, health checkup, and counselling/advice service. The postnatal services are sufficient to the majority (57 of 84 respondents). However, different opinion has been also observed. Many workers claim: *From the health centre we can only check our blood pressure at the time of pregnancy. But no other facility during pregnancy time, and after delivery is provided for the female workers.* (FGD, Gazipur). *We get very general medicine from the factory health centre. But in major situation, women need to arrange personally all sorts of treatment and diagnosis.* (FGD, Dhaka)

SRH service: Workers' unawareness is remarkable concerning the SRH health service from the factory clinic/health centre¹²⁷. The largest contingent (45.2%) of the respondents who reported the presence of health centre do not know whether the centre provide SRH related services. 36.9% have specifically mentioned non-availability of SRH services from the health centres. Only 17.9% of respondents get the service. These services include advice/counselling



(46.7%) on family planning, reproductive health, menstrual hygiene. The majority (53.3%) of them also receive medicine from the centre. All of the respondents (15 of 84) who informed about these services also expressed their satisfaction with the service.

Ambulance: An ambulance¹²⁸ is one of the least available health-related services/facilities at the workplace. Only 19% of respondents' employers have made this service available. Almost all of them have noticed that workers can use it when any workers are injured or get sick seriously at the workplace.

¹²⁵ 14.7 percent respondents claimed the arrangement of sanitary napkin. [Watch Report, January 2018]

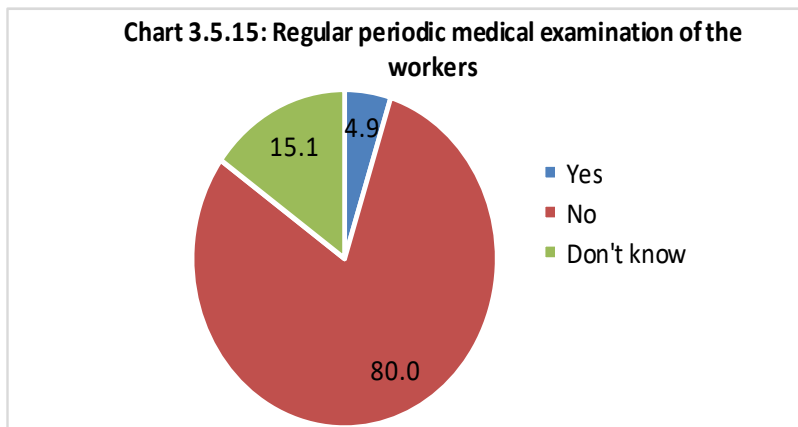
¹²⁶ According to Bangladesh Labour Rules the health center must have the arrangement for providing service and consultation to the pregnant workers before and after childbirth. [BLR 78 d(9)]

¹²⁷ According to Bangladesh Labour Rules the health center must have the arrangement for providing data, training and consultation regarding family welfare and reproduction health'[BLR 78 d(8)]

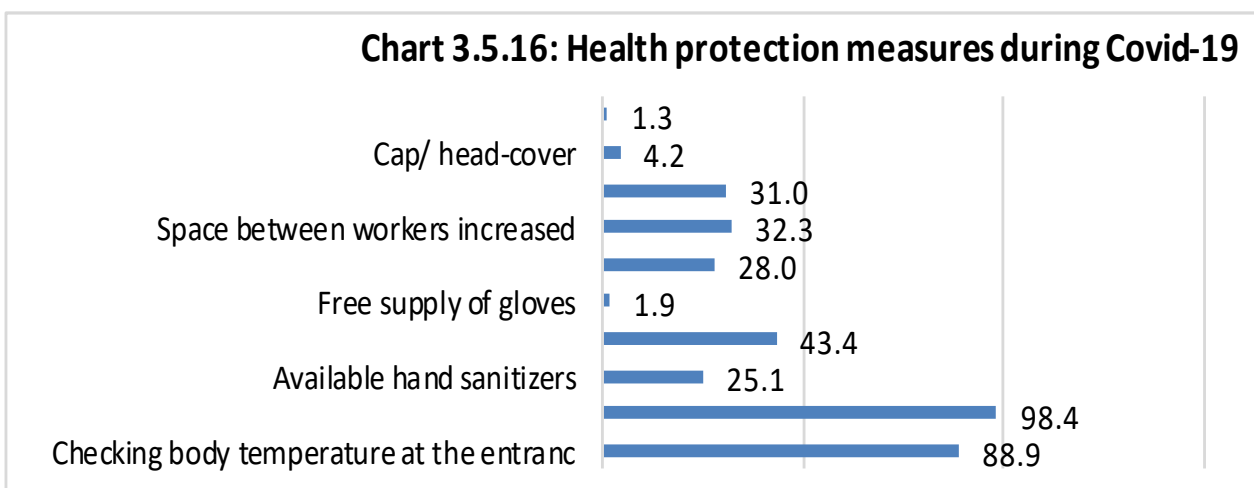
¹²⁸ According to Bangladesh Labour Rules if there is no arrangement of transports from the hospital, the institute must arrange speedy transports in the appropriate and efficient state in order for tackling the accidents or sickness efficiently. [BLR 77 (6)]

Periodic medical examination:

Employers rarely take initiative for regular periodic medical examination of the workers. Unavailability of such arrangement has been reported by eight of every ten respondents. Some workers (15.1%) lack awareness, and only 4.9% of workers have claimed that the regular health check-up arrangement is available in their factories.



Health protection during Covid-19: Almost all factories had taken several measures to protect the workers' health in the initial months of Covid-19 outbreak. 96.9% of respondents have noticed such measures. In contrast, only 2.3% have claimed that their factories did take any action. The most common initiatives, reported by most respondents, were arrangements for checking the body temperature at the factory entrance (88.9%) and availability of soaps for handwashing (98.4%). Supply of masks and hand sanitisers have been reported respectively by 43.4% and 25.1% respondents. 32.3% have informed that factory management changed the sitting arrangement to ensure proper physical distancing. Awareness-raising information was provided using different media (e.g. audio/video, leaflet, miking and orally) at workplaces of 31% workers, and 28% have informed about the installation of the disinfecting chamber. On the other hand, the least available measures, reported by 20% or less than 20% of respondents, included the supply of gloves, head cover/cap.



The role of the health clinic to provide Covid-19 related information among the workers is not remarkable. Just 31.3% have claimed, where the clinic is available, that the health centre provided information. 20% are not aware in this regard.

Covid-19 and wage: Majority of the workers have observed a change in the area of wage during the Covid-19 period. The wage has been affected in several ways. However, the most important one was a reduction in wage. 93.4% of workers' wage reduced to 50-65%. A reduction in overtime

money has been reported by 10.38% of workers. The other changes include wage due for 2-4 months, delayed payment, and a reduction in bonus.

Career Prospect and Skill Development Opportunity

Instances of women's promotion to upper/managerial position are rare in RMG. Eight of every ten workers have not seen any woman get promoted to a managerial position in their factory in the last one-year period. 10.8% of workers do not know, and 9.7% of workers have seen such promotion. *A few factories have female supervisor. But no female Line Chief or PM. Factory authorities are not interested to promote or appoint female for these posts because they think that female are not capable to manage or maintain the post responsibilities.* (FGD, Mirpur)

Information concerning the available positions for promotion is not widely circulated among the workers. A large number of workers (28.7%) also lack awareness. Only 22.8% of respondents inform that all workers get the information, and 20.8% claim that only a few workers get the information.

Equal promotion opportunity:

Regarding the promotion opportunity, women workers are generally discriminated. Unawareness among the workers is also noticeable. 43.6% of workers claim that women do not get the equal opportunity. The issue is unknown to one in every four workers. In contrary, 31% have claimed an equal preference for men and women for promotion, indicating a positive trend since 2017¹²⁹ however not remarkable yet.

Women workers are generally optimistic about their ability to perform duties in upper positions:

Eight of every ten women workers perceive women have the capability to play role in managerial positions. 9% of workers are unaware, and 9.5% consider that women lack the capacity. However, few also they

Chart 3.5.17: Whether any woman worker was promoted to upper position in last one year

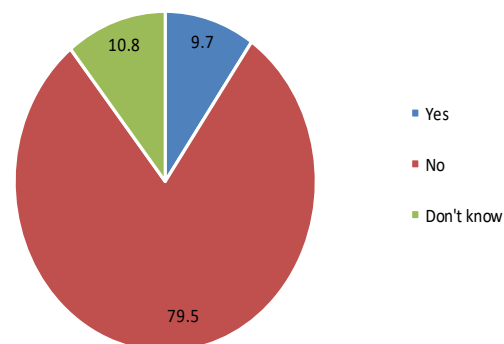


Chart 3.5.17: Whether women get equal opportunity for promotion

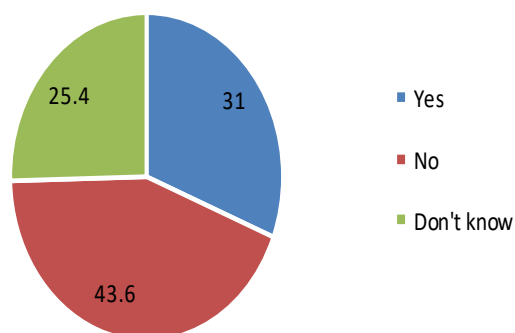
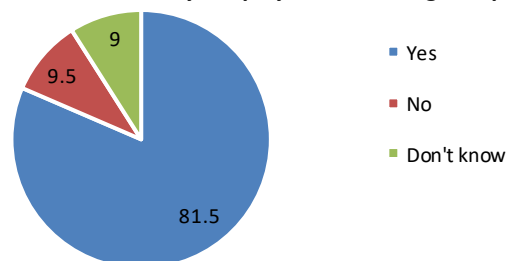


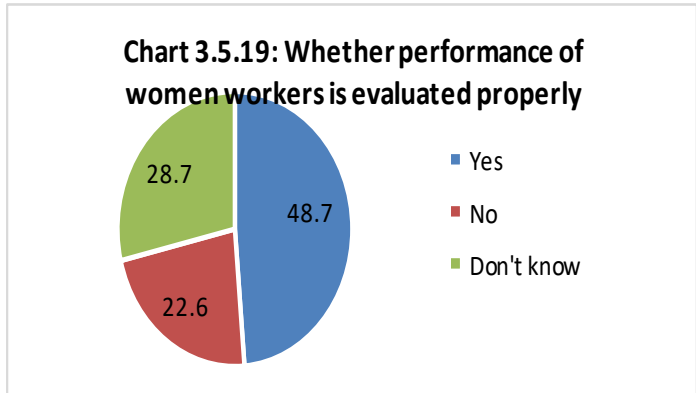
Chart 3.5.18: Women's perception on whether they can play role in managerial positions



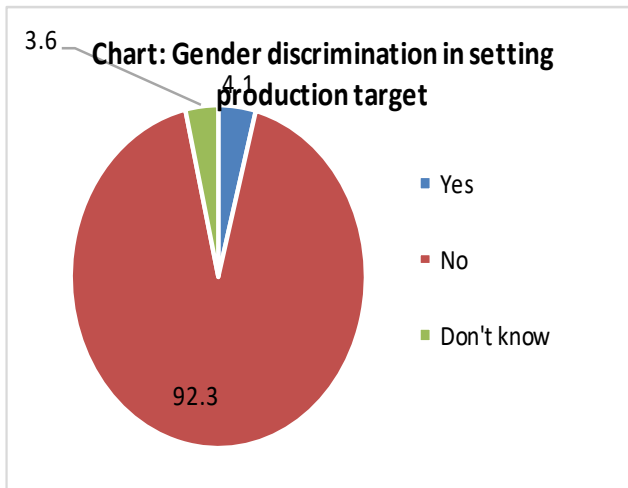
¹²⁹ 18.7 percent respondents informed that at their workplaces women always get equal opportunity for promotion. [Watch Report, January 2018]

perceive that some women lack the education required for the upper posts. Some think that women's level of understanding is low. Some think that women cannot be so rude and cannot use vulgar/slang languages which the persons in managerial positions in RMG apply frequently. Few others also claim that the workload in those positions is even more extensive. FGD participants has informed: *Employers are not mentally prepared to promote or appoint a female for the post of supervisor, line chief and PM. Because they think that female is not able to be rude or hard to or scold others for managing situation. (FGD, Narayananj).*

48.7% of respondents claim that workers' performance is appropriately evaluated during the promotion. On the other hand, 22% of respondents' opinion in this regard is the opposite. They do not consider that proper evaluation is done. They claim that promotion depends on the employers' choice/will and personal contact with authority. Few other also claim that often physical appearance becomes a determining factor whether a woman would get the promotion. Many others (22.6%) have remained blank on this issue.



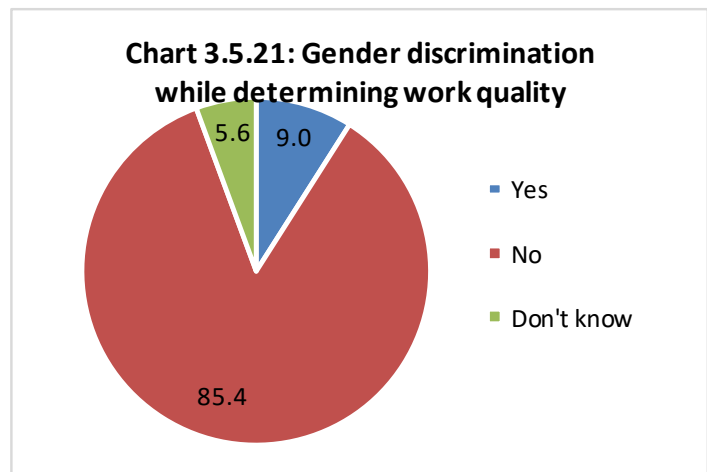
Gender disparity/discrimination while setting the production target for men and women workers is generally absent. Only 4.1% have claimed such discrimination. They inform that targets depend on the nature of work and the target set for women is more than men.

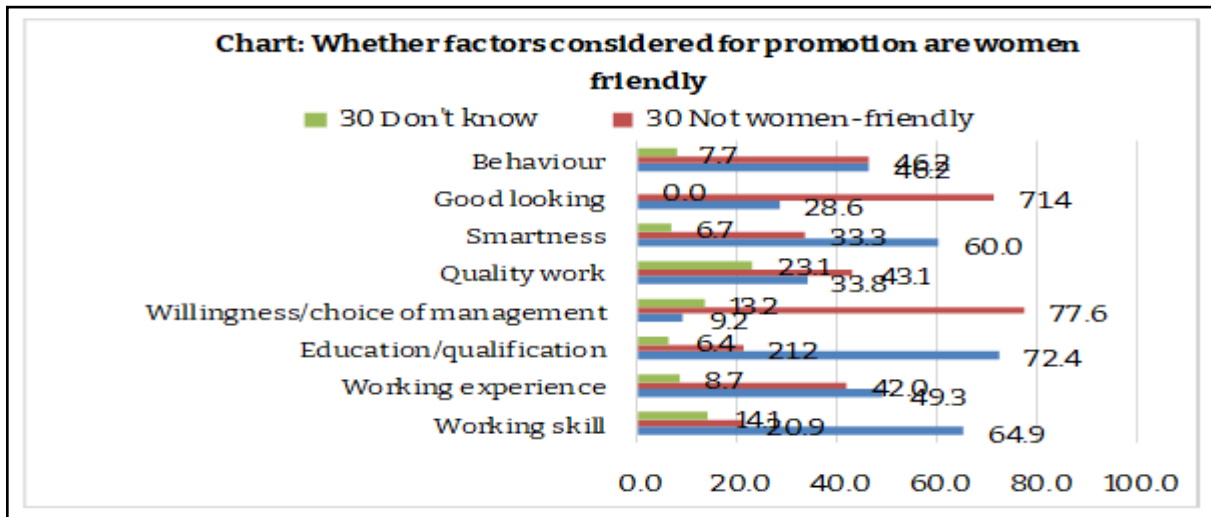


While determining the quality of work, gender discrimination is not significant, yet not absent entirely. 85.4% of respondents have informed performance evaluation is done without any discrimination. In contrast, differential treatment for performance evaluation has been claimed by 9% of respondents.

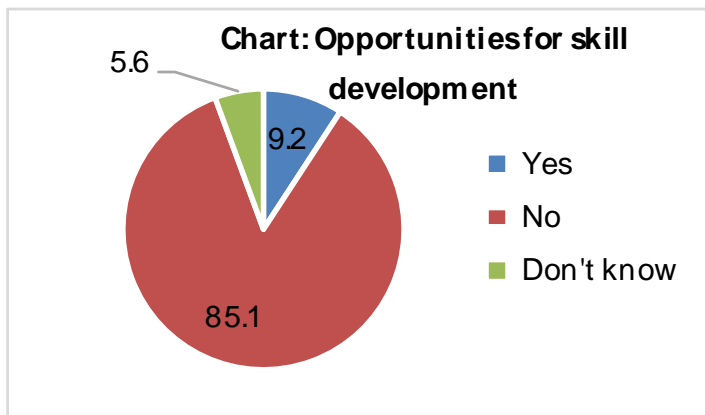
According to workers' opinion employers consider several factors for the promotion of women, many of which are

not women-friendly in the opinion of the majority. Among the factors, the most cited ones are working skill (49%) and education qualification (40%). These two factors are women-friendly according to the opinion of 64.9% and 72.4%. Factors that are not considered as women-friendly by the majority (and by a large number of workers) include willingness/choice of management (77.6%), good looking (71.4%), work quality (43.1%), and behaviour (46.2%).



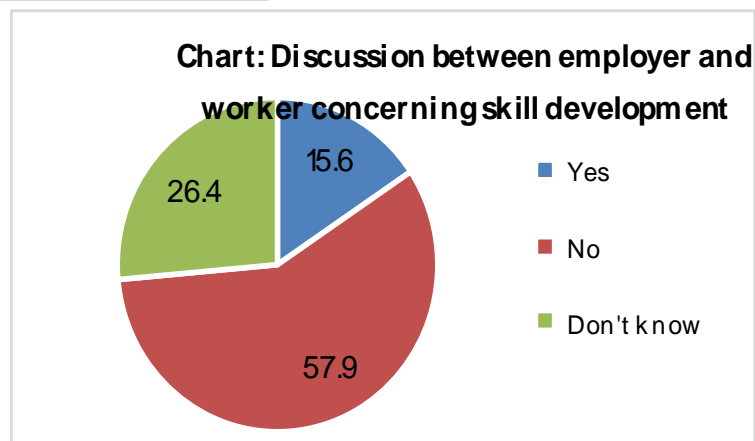


The opportunity for skill development is rare in the RMG sector. Employers hardly arrange the training that could enhance the skill of the workers. 85.2% of workers have noticed the absence of such an initiative at their workplaces. Only 9.2%, a noticeable decline since 2017¹³⁰, have claimed that employers provide training that includes machine operating and skill development. These training targets both women and men workers equally according to most of them (27 out of 36), and just one of 36 respondents' claims that trainings target mostly women workers.



Discussion/dialogue between the employers/management and worker on skill development does not occur mostly, 57.9% have not observed such discussions. Lack of awareness among a significant number of workers (26.4%) is also noticeable. On the contrary, a small number of workers (15.6%) have

seen such discussion, which included issues like how workers can help each other, ensuring quality production, increasing production, fulfilling targets, and developing ways of skill development and its importance. Therefore, from the workers' responses, it has been evident that discussions/dialogues mainly focus on the increase of production in the factory instead of enhancing workers' personal skills.



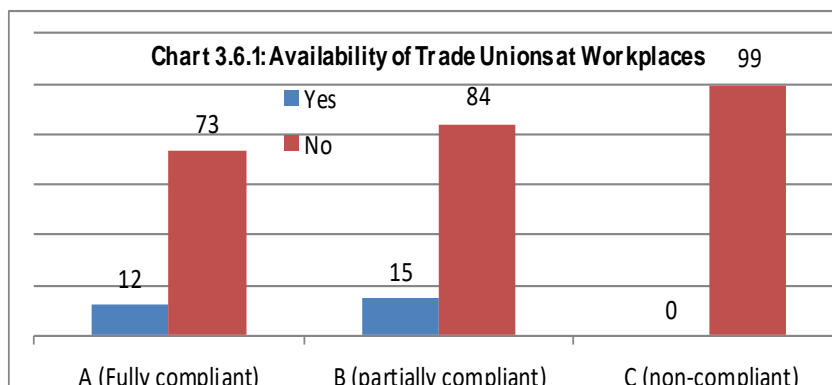
¹³⁰ One-third (33.3 percent) respondents claim arrangements of skill development is available at their workplaces. [Watch Report, January 2018]

3.6 Representation, Voice and Freedom of Association

Availability of Trade Unions at Workplace

Information on the availability of TU at the workplaces presents a grim reality. In order to ease the TU registration process Standard Operating Procedures (SOP) has been developed and included in the latest amendment (in 2018) of BLA 2006. However, SOP and online registration system have not been able to make a big difference; indeed, most union registration applications are still denied (ITUC 2019)¹³¹. A key informant describes-

“Right after applying for the union, sufferings of the workers start. DoL inspects the form for approval. According to the inspection DoL prepare a report and process it. DoL sometimes delay their assessment which causes



complexity for the workers. Some DoL officials take bribe from both workers and employers. DoL sometimes help employer by approving fake TU prepared by the employer.” Only 10% of all the respondents have informed that TU is present at their factory. However, TU's availability is related to the level of compliance of the factories. None of the respondents from the non-compliant factories reported availability of trade unions in their factories. However, it is evident that partially compliant factories (15%) have higher proportion of TU availability than that of fully compliant factories (12%).

Even not all workers are members of TU where it is functioning. Out of 40 respondents, who reported TU's presence at the workplace, just over half of the respondents (60%, 24 respondents) had claimed their membership with TU, and among those, the share of women was more (18 women, 16 men).

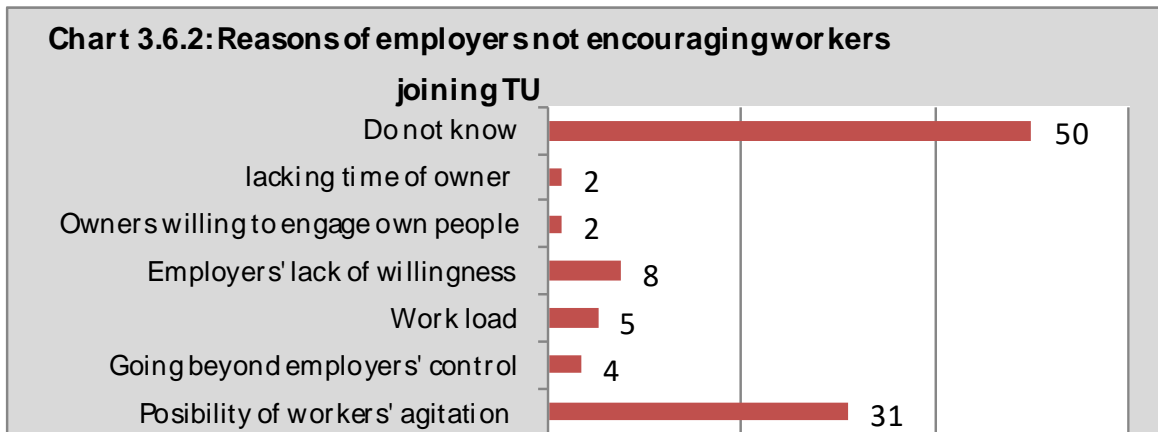
Respondents are mostly of the opinion that union membership remained in the similar range after its formation in the factory. 40% of the respondents within who revealed the existence of TU in their respective factories claimed the membership strength of the TU remained same. 15% (6 respondents) claimed that membership increased, while a large portion of the respondents (45%) do not have any idea on the issue of either increasing or decreasing membership.

Factors/reasons of different nature prevent workers to be members of TU. Both worker survey and FGDs reveal similar types of factors/causes. Among several reasons, the most frequent one is fear of job loss (82%). This reason has been mentioned more by women workers than their men counterparts. Fear of police harassment and fear of harassment by local goons/*mastans* as the contributing factors for not being involved with TU have been mentioned by many respondents. These fears are more among men workers than women. Besides, misbehaviour of the factory management, mostly reported by women workers, is barring workers to join with TU. It is necessary

¹³¹ ITUC (2019). ILO COMMITTEE OF EXPERTS' 2018 REPORT CONFIRMS - NO REAL PROGRESS IN BANGLADESH, Clean Clothes Campaign, ITUC CSI IGB.

to mention that despite having the SoP for investigating unfair labour practices, no meaningful impact has been observed and unfair labour practices continue apace without resolution¹³².

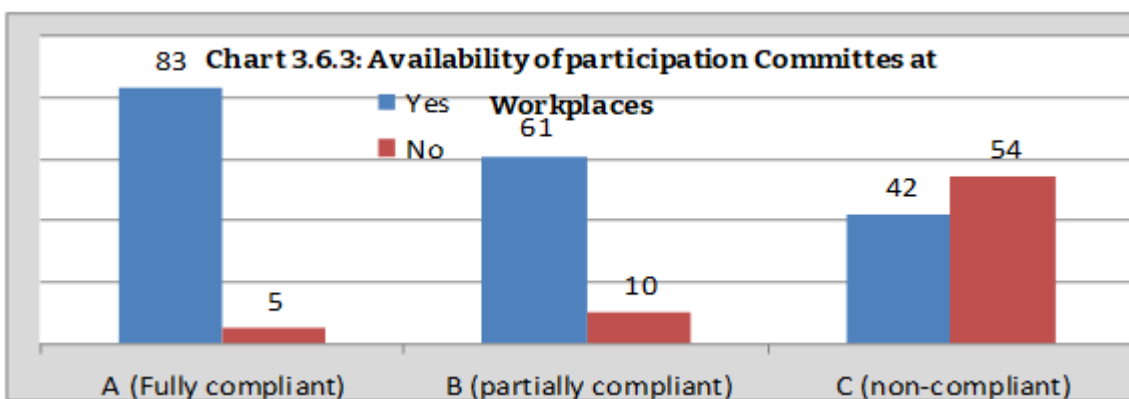
Whether factory management supports workers in joining workers? Most respondents perceive that such support in terms of encouragement is definitely missing. 88% of the respondents claimed that factory management never encourages workers to join unions. Around 12% of the respondents however felt that the factory management are either indifferent on the issue or have even encouraged joining some form of organization. The further discussions during FGDs nonetheless reveal that such encouragement provided to workers is applicable for participation committee but not the union itself.



The reason for not encouraging workers to join TU or federations is numerous. The most important workers perceive for which employers do not encourage joining TU is that the employers fear the possibility of workers' agitation and movement. Nearly one-third of the respondents (31%) felt that employers perceive joining TUs is significantly related to workers' engagement with agitation against the employers. While other reasons include not only owners lack of willingness (8%), workers' work load (5%), workers going beyond employer's control (4%).

Availability of Participation Committee at Workplace

Information on the availability of participation committee at the workplaces presents a much better compliance reality. 74% of all the respondents have informed that PC is present at their factory. However, availability of participation committees is strongly related to the level of compliance of the factories. The proportion of participation committee reported in fully compliant factories is 83%, while the proportion is respectively 76% and 42% in partially compliant and non-compliant factories.

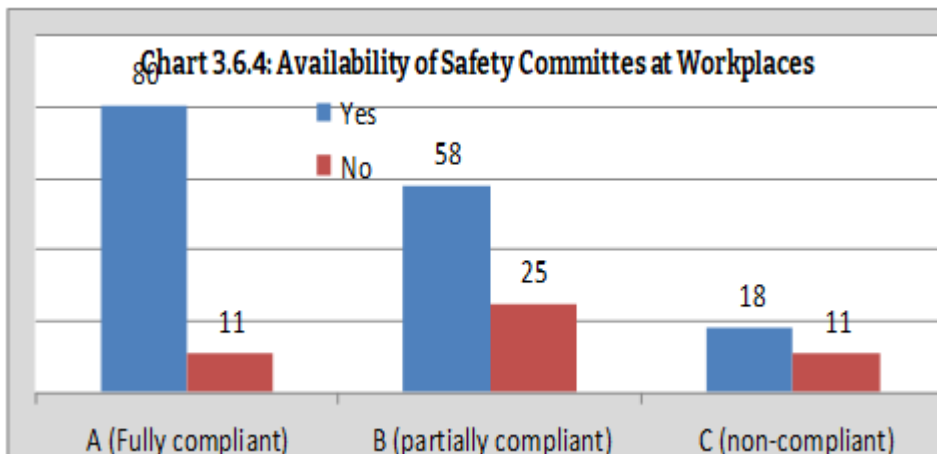


¹³² Ibid

Availability of Safety Committee at Workplace

Information on the availability of safety committee at the workplaces presents too a good compliance reality. 64% of all the respondents have informed that safety committee is present at their factory. The safety committees' availability is too related to the level of compliance of the factories. The proportion of participation committee reported in fully compliant factories is 80%, while the proportion is respectively 58% and 18% in partially compliant and non-compliant factories.

Nonetheless a grim picture is evident in terms of workers' participation in the committees. Only 16 respondents out of 390 respondents (4%) reported being a member of a participation committee at their workplaces



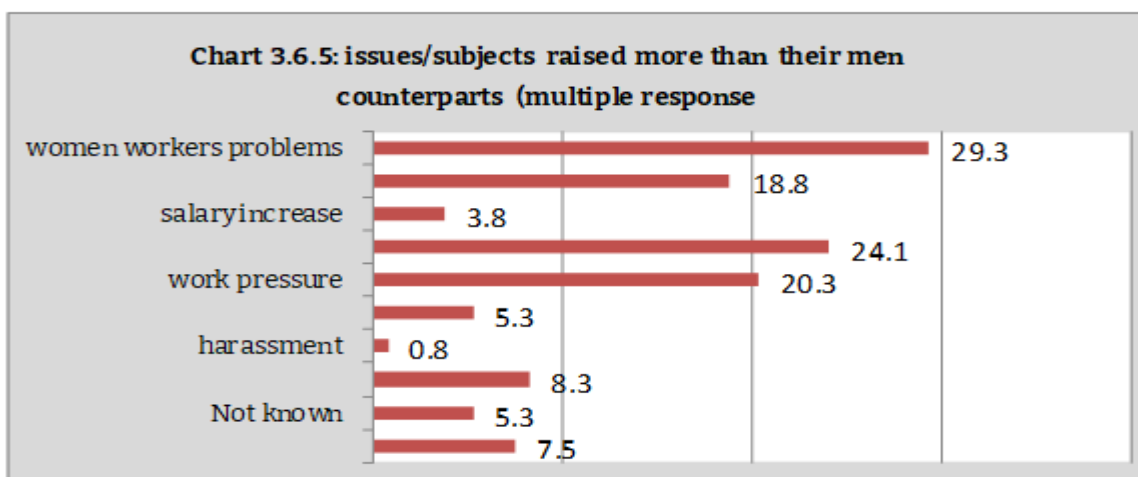
Membership in committees

A grim picture is evident in terms of workers' participation in any of the committees those exist at their factories. Only 16 respondents out of 390 respondents (4%) reported being a member of a committee at their workplaces. Over nine-tenth of the workers (94%) are not member of any committee at their respective workplaces.

Women representatives' ability to raise voice

The respondents were asked whether women representatives in different committees could raise issues /subjects for discussion. The survey responses reveal that over two-third of the respondents did not know whether women representatives in different committees could raise voices. 17% of the respondents claimed that the ability to raise voice is always possible, while another 15% thought that the ability is not always but at times.

The issues/ subjects women representatives could raise more than the men counterparts include women workers problems (29%), leave (19%), work pressure (20%), about rest and restroom (8%). Another 8% respondents claimed to have the ability to raise more than the men counterparts are related to other women health and rights issues, and 24% respondents thought they have the ability to raise any issues related to workers.



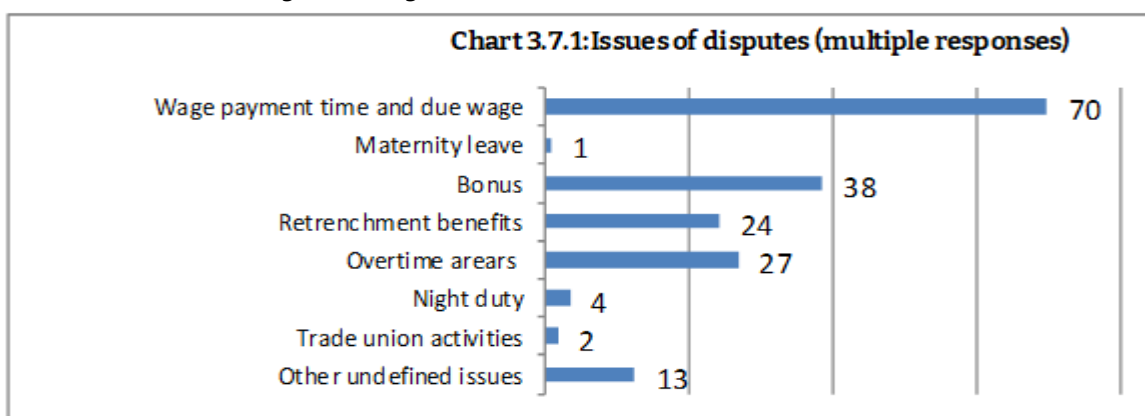
Source: Field Survey December 2020

However, only 37% of the respondents felt that women representatives' opinions/voices are heard with equal importance in comparison to that of men. The reasons for not providing adequate or equal importance to issues raised by women representatives had been claimed to be male perception of the problem, and male being indifferent to women workers' needs.

3.7 Dispute Settlement

Observance of disputes and Issues

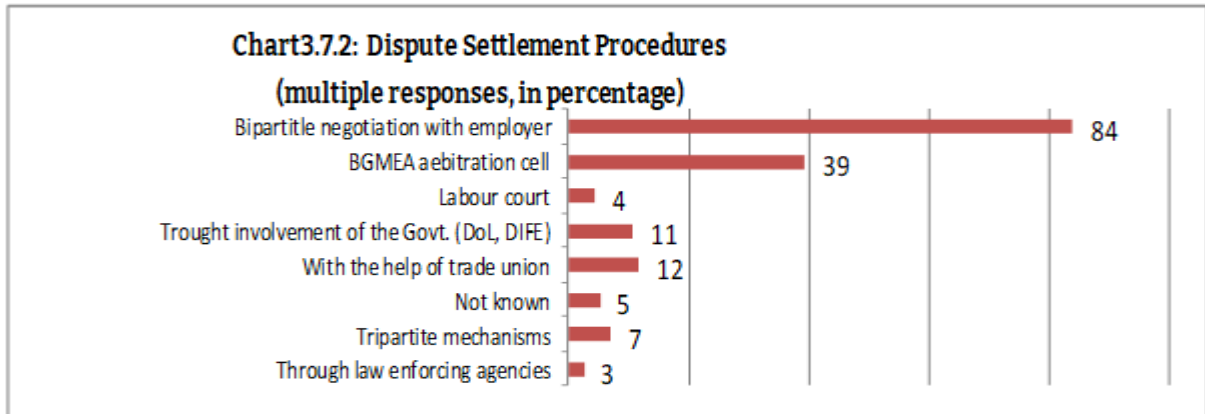
A large majority of the workers (71%) have not witnessed any dispute in their workplaces. The rest 29% have in the last year have witnessed some forms of dispute in the workplace. The issues of dispute witnessed by the workers had mostly been related to wage and benefits. Wage payment time and due wage had been the pressing issue of workers' disputes. 70% of respondents reported that they witnessed the dispute related to due wage and on regularity of wage payment. The issue of bonus was reported by 38%, while retrenchment benefits and overtime arrears were the causes of dispute reported by 24% and 27% of respondents respectively. 13% of the responses cited multiple issues mixed as a reason of dispute. These included benefit against leave, workplace harassment, and missing of colleagues.



Dispute settlement procedures

Those workers who witnessed disputes at the workplace revealed that the workers resolved disputes through various means. Bipartite negotiations with employer was used predominantly; 84% respondents claim that workers dispute is settled through discussion and negotiations with the

respective employers. Most workers have communicated with the factory management to get a good solution. In focus groups, workers also reported that while in most cases they bring the issue with the supervisors or line chiefs, based on the issue, severity and urgency, they also communicate to higher management (production manager, and participation committee) to resolve disputes at the workplace (FGD Narayanganj, and Dhaka). The second most effective strategy to resolve crisis had been through BGMEA arbitration cell. 35% of the respondents claimed to have resolved through the BGMEA. About 11% of the respondents settled disputes through labour court. Other means of dispute resolution included with support from trade unions (12%), through involvement of the government departments e.g., DIFE, DoL, tripartite negotiations (7%), and through law enforcing agencies (3%).



The process followed for dispute resolution has not fully been considered fair though. 24% workers claimed that the process is unfair, and about 28% do not have any perception on the fairness. Nonetheless, nearly half of the respondents (48%) workers perceived the process followed hardly been fair. Of them who responded to the answers to the question why the workers perceived the dispute settlement process to be unfair included issues like not got the due benefits during settlement, workers concerns are hardly taken care of, and employers always have upper hand in the negotiations and receive disproportionate benefits out of settlement. All the workers who responded to the reason of settlement process unfair perceive that such process always benefitted employers more than the workers.

4. CONCLUSION AND ADVOCACY POINTERS

The rights implementation status and the rights framework, as revealed in his report, present a mixed picture of hope and frustration. Positives changes and improvement in the legal and policy framework and the rights implementation scenario have been evident. There are gray areas also. In many areas there are considerable gaps. The recent labour law amendment has significantly improved the issues of festival bonus, restricted employment of children under 14 years of age, has eased, to some extent, the condition of TU registration process, has included provisions on SOP and anti-union discrimination and has increased the amount of compensation (although not according to ILO convention). However, the amendment has also created tensions among the workers. It has created a scope to expand daily working hours; has not increased the maternity leave to make it consistent with government sector employees/workers; has retained precondition for TU formation; has created the scope of a reduction in benefits for compensatory leave and festival leave. Moreover, the law still misses specific provisions on accommodation, pension, medical allowance, rehabilitation, alternative skill development, violence against women at the workplace, and workers' skill development.

Regarding the rights implementation condition, a positive trend has been observed in many areas of employment contract, working hours and leave and welfare, and representation. Specifically, situations of appointment letter, id card, a digital punch card for attendance, more than two hours' overtime, separate rest-room, the sufficiency of the gender-segregated toilet, a female doctor at the workplace, measures during menstruation, retrenchment benefit, gratuity, presence of PC committee and safety committee, daycare have improved. However, this improvement does not necessarily mean that these are available in all factories. Instead, many of these are still least available (Table...) in this sector. Even, where available, many forms of violation have been observed (e.g. appointment letter, daycare, maternity leave). In contrast, a decreasing/negative trend has also been observed in areas of rest, regular weekly holiday, service book, group insurance, provident fund, skill development by the employer, TU availability, anti-harassment committee, breastfeeding corner, and subsidized sanitary napkin. The situation of harassment has also increased. Besides, this study also finds that concerning transport facility, membership in any forum/channel of representation, and 4-months maternity leave with pay, the condition has remained almost the same.

Important to note that gender disparity at varied level is also existing in harassment, promotion opportunity, performance evaluation, insecurity during night duty, overtime allocation, rest opportunity, leave enjoyment, setting production target and work evaluation.

Law implementation (comparison with previous watch report in 2017)

Progress	Has remained almost same	Decreased
<ul style="list-style-type: none"> ▪ More than two hours overtime (from 60% to 40%) ▪ Appointment letter (from 68.7% to 74%) ▪ Id card (from 75.3 to 90%) ▪ Digital punch card (61.8%) ▪ Separate rest-room (from 30% to 40%) ▪ Sufficiency of gender segregated toilet (from 70% to 81.3%) ▪ Female doctor (from 60.7% 	<ul style="list-style-type: none"> ▪ Transport facility (6%, earlier 7.3%) ▪ Membership in any forum/channel of representation (4%, earlier 2.7%) ▪ 4-months maternity leave with pay (67.8%, earlier 66%) 	<ul style="list-style-type: none"> ▪ No rest (from 70% to 81%) ▪ Regular weekly holiday (from 74.7% to 31.8%) ▪ Service book (from 48.7% to 17.9%) ▪ Group insurance (from 16% to 11%) ▪ Provident fund (from 14.7% to 3%) ▪ Skill development by employer (from 33.33% to 9.2%0%) ▪ Residential arrangement (from 4.7% to 0%) ▪ TU (from 20.7% to 10%) ▪ Anti-harassment committee (from 42% to 31.5%)

<ul style="list-style-type: none"> ▪ to 77.9%) ▪ Measures during menstruation (from 15.3% to 28.2%) ▪ Retrenchment benefit (from 17.3% to 30%) ▪ Gratuity (27% from 8.7%) ▪ PC committee (from 50.7% to 74%) ▪ Safety committee (from 60.7% to 64%) ▪ Day care (from 48.7% to 54.1%) ▪ Equal opportunity for promotion (from 18.7% to 31%) ▪ Night duty (from 74.7% to 52%) 		<ul style="list-style-type: none"> ▪ Situation of harassment has deteriorated ▪ Breast feeding corner (from 43.3% to 29.7%) ▪ Sanitary napkin (from 14.7% to 10%)
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Availabilities of Entitlements

Mostly available	Moderately available	Less available
<ul style="list-style-type: none"> ▪ Appointment letter (74%) ▪ Id Card (90%) ▪ First aid (99.0%) ▪ Dispensary (78.7%) ▪ Female doctor (77.9%) ▪ PC committee (74%) ▪ Gender segregated toilet (100%) 	<ul style="list-style-type: none"> ▪ Digital punch card (61.8%) ▪ Regularly weekly holiday (31.8%) ▪ Casual leave (56.7%) ▪ Sick leave (36.4%) ▪ 4-months maternity leave with pay (67.8%) ▪ Day care (54.1%) ▪ Separate rest-room (40%) ▪ Measures during menstruation (28.2%) ▪ Accident/ injury compensation (42%) ▪ Canteen (68%) ▪ Safety committee (64%) 	<ul style="list-style-type: none"> ▪ Service book (17.9%) ▪ Rest period other than lunch time (19.0) ▪ Written consent for night duty (13.4%) ▪ Transport during night duty 6.5% ▪ Supplementary leave (3.4%) ▪ Annual leave (29.2%) ▪ Breast feeding corner (29.7%) ▪ Anti-harassment committee (31.5%) ▪ Policy on violence and harassment (14.9%) ▪ Counselling for harassment victim (11%) ▪ Regular orientation/training arranged for awareness against harassments (8.97%) ▪ Patient room (21.5%) ▪ Health centre/clinic (21.5%) ▪ Sanitary napkin (10%) ▪ Ante and post-natal care (21.5%) ▪ SRH service from health centre (17.9%) ▪ Ambulance (19%) ▪ Periodic medical examination (4.9%) ▪ Skill enhancement training (9.2%) ▪ Dialogue/discussion for skill development (15.6%) ▪ Group insurance (11%) ▪ Gratuity (27%) ▪ Provident fund (3%) ▪ Retrenchment benefit (30%) ▪ Skill development by employer (9%) ▪ Transport facility (6%) ▪ Residential arrangement (0%) ▪ TU (10%)

Pointers for advocacy

In order to ensure rights implementation and well-being for the women workers in RMG sector of Bangladesh following advocacy issues to be taken into consideration:

Towards a more women-friendly labour law:

The law must be more women-workers friendly. The law must incorporate some provisions as well as should amend some existing ones. In particular:

- The term 'night' should be defined in the law, and it is required to redefine 'work restriction period' in terms of night duty.
- With regard to rest period (both frequency and time), this should be rationalized considering the job nature, since women workers do the same task repetitively standing or sitting in the same location/position.
- Maternity leave is required to increase to six-months from current sixteen-weeks. Moreover, with a forward-looking view, the addition that would be required to bring about in the law is the provision of 'menstrual leave'.
- It is also important that the pre-requisite number of women workers should not be a barrier for them to get facilities like separate rest-room and daycare, and therefore the number binding should be removed from the law.
- Moreover, the law should address two other issues—arrangement of sanitary napkins at convenient and easily accessible places; and provision on 'mandatory female doctor' at the workplaces.
- As part of maternity protection, the law should have provision, along with cash benefit, on medical care and treatment facility. Specifically, protection provisions are needed for pregnancy-related complexities, abortion and premature birth. Besides, the law should have provisions on accommodation/residential arrangement of the women workers.

Ratification of ILO C190

Harassment has been a serious concern of women workers, and they are discriminately affected by and victim of harassment. However, the country has not yet ratified the ILO convention on Eliminating Violence and Harassment in the World of Work (ILO C 190). Lobbying with the government is needed to take necessary actions for ratification.

Inclusion of harassment issue in the labour law on priority basis: Despite having the directives of the High Court, the provision on sexual harassment has not been addressed in the labour law. Even the amendment has not considered the issue. The finding of this study shows that harassments of different types, including sexual harassment, has increased in RMG. Therefore, it has been a dire need to include harassment issues in the labour act on a priority basis.

Making the anti-harassment committee more prevalent and functional:

Most respondents from the workplace where anti-harassment committees have been formed have claimed a reduction in harassment rate. Taking the learning from these committees/workplaces, initiatives are need to ensure anti-harassment committee at all workplaces and make it functional.

Standard procedure for leave

Many workplaces lack a formal and set procedure of leave. RMG workers consider the leave applying and approval process is complex, lengthy, and cumbersome. They face many unwanted situations when they apply for leave, and many feel stressed. Some even prefer to be absent rather than applying for leave. A standard procedure of leave approval is therefore required for the sector.

Towards a pregnant worker-friendly workplace:

Majority of the RMG workers are women. However, the work environment and the conditions often are favorable for pregnant workers. Following steps could be taken to make the workplace friendlier for women workers.

- Developing a list of conduct/code of conduct on how to behave to pregnant workers.
- Ensuring the transport facility for pregnant workers.
- Allowing women workers to use the lift where it is available.

Sensitizing the mid-level management

Most of the harassments and indecent behaviour that women workers face usually come from mid-level management personnel. Sensitizing these personnel on harassment issues and violence issue could improve the situation.

Strengthening ante and post-natal care from the Health Centre

Bangladesh Labour Rules has specified the services to be provided by the centres including ante and post-natal services and SRH services. However, the available services from the health centres are not remarkable. None provides diagnostic facilities. Initiatives to be taken to make these centres functional and making those a trustworthy/reliable place for women to receive all types of ante and post-natal care, including diagnostic investigations.

Mandatory female doctors, when the number of doctors is one

The Bangladesh Labour Rules 2015 prescribes that at least one female doctor must be recruited if there is a rule for recruiting more than one Physician. It has created a scope that the female doctor is not mandatory when there is one doctor. The present study shows that 22.1% of workers' workplaces lack female doctor. Therefore, the Rules should be changed to ensure at least one female doctor in every workplace.

Some other initiatives required for making workplaces women worker-friendly:

- Special care during menstruation
- Adopting workplace policies on harassment and violence
- Transport facility during night duty
- Dialogue between workers and employers for skill enhancement
- Making promotion rule specific and explicit to the workers

ANNEXES

Annex Table 1.1: Study Indicators

Broad Indicators	Specific Indicators
Stability and security of work	Appointment letter, ID card, service book, valid documents in line with labor law, dismissal or expulsion from job
Decent Hours	Daily hours, Weekly hours, Excessive hours, Night work, Daily break or rest
Adequate earnings and productive work	Minimum and average wage, basis of wage calculation, Payment system-regular/monthly, Overdue and Wage deduction, Training provision
Work that should be abolished	Child labor, Minimum age of workers, Hazardous child labor Forced labour, Conditions for work.
Combining Work Family and Personal life	Different types of Leave [earn leave, festival leave, length of maternity leave (paid and unpaid)], Unpaid home based work like child care, caring for the adults and the sick, water collection, cooking, media use (hours; sick child leave; bringing children to workplace day care; access to telephone for personal use);
Safe Work Environment	Risk and vulnerabilities, Incidence of injury – fatal and non-fatal, Initiative of authority's to reduce occupational risk and hazards, Labor inspection from government, Whether any occupational injury insurance exists, Role of employers in case of any accident, Whether she suffered any accident and time lost due to accidents
Social Security	Provident fund, gratuity, accident compensation, pension
Equal Opportunity and Treatment in Employment	Discrimination by sex, age, race, religion; Gender wage gap; Indicator for Fundamental Principles and Rights at Work; Areas of inequality: Access to work, wage, workplace amenities
Social dialogue and representation	Trade union representation, Freedom of association, Strike/lock out, Dispute resolution

Annex Table 1.1: Sample distribution profile
Area wise distribution of respondents

Area	Specific locations	Number of Sample (Proposed)	Number of Sample (Achieved)
Dhaka	Mirpur, Kafrul, Pallabi	39	37
	Uttara, Abdullapur	39	39
	Badda, Rampura	39	38
	Dhamrai, Savar, Ashulia	39	40
	Total	156	154
Gazipur	Boardbazar, Tongi, Malakerbari	39	32
	Vogra, Joydepur, Borobari	39	41
	Konabari	39	42
	Total	117	115
Narayanganj	Fatulla, Panchobati, BSISIC	39	39
	EPZ areas	39	32
	Siddhirganj, Kanchpur, Chittagong Road	39	50
	Total	117	121
Total		390	390

Study Area and Factory types

	Knit		Woven		Composite		Total	
	N	%	N	%	N	%	N	%
Dhaka	17	11	118	103	19	16	154	39
Gazipur	41	27	63	55	11	9	115	29
Narayongong	98	64	2	2	21	17	121	31

Annex Table 1.2: Demographic profile of Respondents

Age specific Distribution of Respondents

Age range	Dhaka		Gazipur		Narayanganj		Total	
	N	%	N	%	N	%	N	%
15-17 years	12	8	3	3	25	21	40	10
18-29 years	112	73	76	66	56	46	244	63
30-35 years	27	18	35	30	40	33	102	26
35+ years	3	2	1	1	0	0	4	1
Total	154	100	115	100	121	100	390	100

Marital Status

Status	Frequency	Percent
Unmarried	90	23
Married	274	70
Separated	13	3
Divorced	9	2
Widow	4	1

Annex Table 1.3: Workplace related information

Type of Factory

Type	Frequency	Percent
Knit	156	40
Woven	183	46.9
Composite	51	13.1

Complaisance Category of factory

A(fully complaint)	238	61
B (partially complaint)	79	20.3
C (Non complaint)	73	18.7

Number of factory workers

500 or less	59	15.1
501 to 1000	67	17.2
1001 to 3000	139	35.6
3001 to 5000	69	17.7
5001 to 8000	42	10.8
8001 to 10000	5	1.3
10001 to 15000	9	2.3

Position in Factory

Helper	118	30.3
Junior Operator	81	20.8

Operator	95	24.4
Senior operator	94	24.1
Folding man	2	0.5
Type of employment		
Permanent	388	99.5
Temporary	2	0.5
Working Experience in RMG sector		
1 year or less	25	6.4
1 to 2 years	79	20.3
2 to 3 years	76	19.5
3 to 5 years	74	19
5 to 8 years	82	21
8 to 10 years	32	8.2
More than 10 years	22	5.6
Working Experience in present factory		
1 year or less	41	10.5
1 to 2 years	103	26.4
2 to 3 years	93	23.8
3 to 5 years	83	21.3
5 to 8 years	50	12.8
8 to 10 years	10	2.6
More than 10 years	10	2.6
Name of the country produced for		
America	92	23.6
EU	68	17.4
Japan	19	4.9
Australia	49	12.6
Canada	7	1.8
China	10	2.6
Germany	9	2.3
Italy	12	3.1
Do not know	207	53.1